

सत्यमेव जयते

Government of West Bengal

Local Self-Government Department

Report of the
Corporation of Calcutta
Investigation Commission

Volume I

Interim Report

June 11, 1949

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, Rs. 1-12; English, 2s. 11d.

REPORT OF THE CORPORATION OF CALCUTTA INVESTIGATION COMMISSION.

Interim Report.

VOLUME I.

CONTENTS.

	Page.
CHAPTER I —Introductory (paragraphs 1—29)	1
CHAPTER II —Historical Background (paragraphs 30—102)	5
CHAPTER III —Elections (paragraphs 103—126)	16
CHAPTER IV —Elections (<i>continued</i>)—Franchise (paragraphs 127—149)	19
CHAPTER V —Constitution of the Corporation (paragraphs 150—181)	23
CHAPTER VI —Constitution of the Corporation (<i>continued</i>) (paragraphs 182—187)	28
CHAPTER VII —Greater Calcutta (paragraphs 188—204)	29

APPENDICES.

Report of the Corporation of Calcutta Investigation Commission, 1948

CHAPTER I.

Introductory.

1. We, the Chairman and members of the Corporation of Calcutta Investigation Commission, beg to submit this interim report dealing mainly with the question of elections and the constitution of the Corporation.

2. The Commission was set up under West Bengal Act XII of 1948. The circumstances which led to its appointment were thus set out in the Statement of Objects and Reasons in the Bill which ultimately became the Act:—

"The administration of the Corporation of Calcutta has recently come in for much adverse public criticism, and its finances are also in a bad way necessitating increasing subventions by the Provincial Government to run the administration. A thorough enquiry into the administration and the finances of the Corporation is considered urgently necessary in order to restore the economic equilibrium of the self-governing institution. The scope of section 16 of the Calcutta Municipal Act, 1923, which is the only section in the Act authorising an enquiry into the affairs of the Calcutta Corporation, is extremely limited, and there are practical difficulties in the way of having the desired enquiry made under the section. The Bill seeks to make good this lacuna by authorising the Provincial Government to appoint a Commission consisting of a Chairman (being a person who is or has been a High Court Judge) and two other persons to hold the necessary enquiries into the affairs of the Calcutta Corporation, armed with requisite powers".

3. On the 30th September 1947, the then Mayor, Sri Sudhir Chandra Ray Chaudhuri, issued a Press statement making serious allegations of maladministration in the Corporation, for which he roundly charged its officers and its Councillors as being almost equally responsible. The statement was followed up by a letter from the Mayor to the then Hon'ble Minister in charge of Local Self-Government, dated the 6th October 1947, requesting Government to depute some officers to enquire into the affairs of the Corporation. The request was apparently made under section 16 of the Calcutta Municipal Act, 1923. On the 7th October 1947, the Government of West Bengal announced their decision in the following Press Note:—

"A letter has been received by the Minister-in-charge, Local Self-Government, from Mr. Sudhir Chandra Ray Chaudhuri, Mayor of Calcutta Corporation, requesting the Government of West Bengal to depute some officers to enquire into the affairs of Calcutta Corporation.

In view of the serious allegations made, the Government of West Bengal have decided to depute a few officers of integrity to enquire into the affairs of the Corporation, without in any way impairing the interests of the ratepayers and the good name of the premier Municipal Corporation of India".

4. No action was, however, taken in terms of this announcement, and Government were understood instead to be contemplating special legislation to authorise an enquiry of a more comprehensive character. The legislation was in fact introduced by the succeeding Ministry in February 1948, leading up to the enactment of the measure under which the present Commission has been appointed.

5. By notification No. L.S.-G. IC-26/48, dated Calcutta, the 15th April 1948, the Commission was constituted as follows:—

CHAIRMAN:

The Hon'ble Mr. Justice C. C. Biswas, Judge of the High Court in Calcutta (since retired).

COMMISSIONERS:

- (1) Mr. P. C. Choudhury, Retired Accountant-General, Bengal.
- (2) Mr. H. P. Bhaumik, Retired Postmaster-General, Madras.

6. By section 3 of the Act the duties of the Commission were laid down in very wide terms:—

(a) to investigate and report to the Provincial Government on all matters relating to the finances and administration of the Corporation of Calcutta, and the working of the Calcutta Municipal Act, 1923, and

(b) to make recommendation for improving the finances and administration of the Corporation of Calcutta, removing abuses in relation thereto, if any, and amending the Calcutta Municipal Act, 1923, if necessary, for ensuring better administration.

In short, the investigation was intended to cover the whole field of Calcutta's municipal administration, and the Commission was not only expected to find out how the Corporation had functioned during the last 25 years under the existing Act (Bengal Act III of 1923), and the causes which had led to its progressive deterioration, but was also called upon to suggest remedies, by way of legislation or otherwise, for the better working of the Corporation in the future.

7. Shortly before the Commission was appointed, another Act (West Bengal Act VIII of 1948), called the Corporation of Calcutta (Temporary) Supersession Act, was passed by the Provincial Government, and the Corporation was superseded thereunder with effect from the 24th March 1948 till the 31st March 1949, and all the powers and functions of the Corporation were thereby vested in an Administrative Officer. The original period of supersession has since been extended by another year till the 31st March 1950.

8. It is understood to be the desire of Government that the period of supersession should not be further extended, and that popular control in the city's administration should be restored as early as possible. We fully share that opinion. The Act appointing the Commission contemplated

that a fresh General Election should be held before March 1949. The idea perhaps then was that the election should be held in accordance with the provisions of the existing Act III of 1923. Now that the period of supersession has been extended, we consider that it would be more satisfactory if the Corporation was reconstituted on a new basis after considering the recommendations of the Commission in this behalf. We have accordingly thought it fit to present this interim report dealing with this part of our investigation.

9. The Commission which started functioning on the 21st April 1948 has not yet completed its investigation. But it has seen enough of the working of the Corporation to be convinced that much of the prevailing abuses in the administration which have led to its supersession and the appointment of the present Investigation Commission is directly traceable to the Councillors who constituted the supreme authority in the Corporation under the statute.

10. By the Act of 1923, Sir Surendra Nath Banerjea had no doubt intended to establish in this great city the essential principles of democracy—government of the people, by the people and for the people. To that end he had broadened the franchise, enfranchised the womanhood of Calcutta, relaxed the fetters of Government control, and vested supreme authority and control over the city's civic administration in the Corporation. Unfortunately, however, the actual working of the Corporation has belied all his hopes and expectations, and those with whom it lay to build up a truly nationalist institution which was to be a "citadel of civic power" in the hands of Calcutta's citizens succeeded in reducing the Corporation to such a deplorable condition that when Government took the extreme step of superseding the premier self-governing body in the province, not a word of protest was heard in any quarter and the appointment of the Investigation Commission was in fact warmly welcomed.

11. The Corporation Executive must no doubt also bear their share of responsibility for what has happened, but the root cause of the malady afflicting the Corporation must, as we shall see, be ultimately traced to the Councillors who in fact exercised a most baneful influence over the Executive.

12. If, therefore, the Corporation is to be at all freed from the abuses which have brought it into disrepute, the first step to achieve this object must unquestionably be to do something which will secure the return of a better type of Councillors—men with a genuine sense of civic responsibility who will not use their position merely as an instrument for the furtherance of party ends or personal interests. It is this in fact which makes elections a matter of vital importance to the Corporation for ensuring its efficient administration, and also constitutes an additional ground for the Commission giving first priority to this topic among the many questions it has got to consider.

13. About the most important point for enquiry in connection with Corporation elections must obviously relate to the numerous abuses and malpractices which have been a notorious feature of these proceedings almost ever since the present Act came into force. This will inevitably involve consideration of a number of other questions as well, touching the constitution and administration of the Corporation. What is it that has led to these abuses and malpractices, and what are the remedies the situation calls for? Is it the electoral machinery alone which is at fault, and is all that is needed a mere tightening up of its loose screws? Or, does the mischief go deeper, being symptomatic in fact of a more widespread cancer affecting the entire sphere of Corporation administration? Or,

again, is the trouble to be traced mainly to a defect in the constitution, either because, as some think, it is too ultra-democratic in character, or, as others believe, not democratic enough to keep pace with the progressive ideas of the times? In dealing with the subject of elections, the Commission will thus have to consider a variety of questions relating not merely to the procedure and machinery of elections and the actual carriage of the electoral proceedings, but also to the number and size of the electorate, the nature and extent of the franchise, and above all, the relation between Councillors and the Corporation Executive and all that such relationship implies.

14. So numerous are the complaints which the Commission has received regarding the manner in which the system of elections has been worked in the Corporation under Act III of 1923, that it has had seriously to consider whether having regard to the results of actual experience, the elective basis should not be done away with altogether, and a small executive body should not be set up instead, with sole and supreme authority to administer the city's municipal affairs. If efficiency was the only object, such a plan would perhaps have much to commend it, but it would be such a retrograde measure and so utterly repugnant to the history and tradition of local government in this city and elsewhere, that obviously it would be difficult to advocate such a drastic change in the constitution except under the most compelling necessity.

15. As will be seen later, an attempt to introduce the elective principle in the municipal government of Calcutta was in fact made as early as 1840. Until that year the civic administration of the town was, under the statute of 1794 (33 Geo. III, c. 52), entrusted to Justices of the Peace, who were appointed by the Governor-General and were liable to removal at his pleasure. Lord Wellesley's famous Minute came in 1803, which made no change in the system, but it is clear that from thence onwards the problem of interesting the people of Calcutta in its municipal administration became the constant anxiety of Government. The work of the Justices of the Peace was not superseded, but was overshadowed by the achievements of two new Committees which were appointed by Lord Wellesley, viz., the Improvement Committee and the Lottery Committee. It was not until 1840, following on the recommendations of the Fever Hospital and Municipal Improvements Committee, that the first experiment in representative government was made, abortive as it was, when under Act XXIV of that year the Government were empowered, on the application of two-thirds of the ratepayers in any of the four divisions into which the town was divided, to entrust to them the assessment, collection and management of the rates of their division. The scheme proved to be in advance of the times, as no application was made to Government under the Act. A further attempt at local self-government was made under Act XVI of 1847, which replaced the Justices by a Board of seven Commissioners, of whom three were to be appointed by Government and one elected by the ratepayers for each division of the town, but this also proved unsatisfactory and ineffectual. The principle of popular representation was, however, firmly established under Act IV of 1876, by which it was in fact made the corner stone of the new constitution. Two-thirds of the Commissioners, numbering 72, exclusive of the Chairman and Vice-Chairman, were to be elected by the ratepayers, the remainder being appointed by the Local Government. Under the next Act which was passed in 1888, the number of Commissioners was increased to 75, of whom 15 were to be appointed by the Local Government and 50 were to be elected by the ratepayers, 2 from each of the 25 wards into which the enlarged municipality was then divided, the remaining seats to be

filled by institutional representation. There was a set-back under Act III of 1899, commonly known as the Mackenzie Act, under which the elective element as well as the proportion of elective representation was substantially reduced, the total number of Commissioners being cut down to 50, of whom half only were to be elective. But it was left to Sir Surendra Nath Banerjea by Act III of 1923 not only to increase the size of the Corporation and the number and proportion of elected Councillors, but also to enlarge the powers of the Corporation, making it the supreme authority, in the administrative as well as in the legislative sphere. The total strength of the Corporation was raised to 90, out of which 63 seats were open to election, Government nominations being reduced from 15 to 10, the remaining seats to be held by representatives of institutional bodies. In addition to these, there were to be 5 Aldermen to be elected by the whole body of Councillors. All this doubtless represented a great advance in popular representation in the municipal constitution of Calcutta.

16. It is against this background that one has to consider any proposal to scrap the whole basis of a democratic constitution, merely because the Act of 1923 did not produce the great things which were expected of it. The way the Act was worked might well engender a distrust in the ability of Calcutta's citizens to govern themselves, but making full allowance for all the unhappy developments which have taken place, the Commission is still not prepared to say that the situation, bad as it is, has really been so desperate as to call for such a desperate remedy as the abolition of the elective principle altogether. Paradoxical as it may seem to be, as a result of much anxious thought the Commission has come to the conclusion that if democracy has failed, the remedy lies not in tearing up its foundation, but in broadening its basis still further, taking care at the same time to seal up as far as possible the holes and fissures that experience may have disclosed in the civic structure.

17. It need hardly be emphasised that for the successful working of democracy, the first and most essential condition is free and fair elections, such as will ensure the genuine expression of the popular will in the selection of popular representatives. But the main complaint about Corporation elections during the Act of 1923 regime is that they have been neither free nor fair, but have been systematically manœuvred and manipulated in the interest of particular individuals or groups of individuals. We shall have to deal with this matter more fully hereafter, but shall mention here only one dominant fact which, as it strikes us, supplies the ultimate explanation not only for the abuses and malpractices in connection with Corporation elections, but for most of the other abuses which have disfigured the whole administration. We refer to the position of complete subservience of the Corporation Executive to Councillors,—a position not perhaps contemplated by the framers of the constitution, but certainly rendered possible by it.

18. So far as elections are concerned, it is to be observed that the Act of 1923 does not require that the Corporation Executive should have anything to do with them, except in respect of certain ministerial functions which cannot affect the result of the elections. Nowhere does the statute provide that the control, direction or superintendence of elections shall be the concern or responsibility of the Corporation. The provision merely is that the Provincial Government shall frame rules in this behalf and that all election authorities shall be appointed in accordance with such rules. It so happens, however, that at every election that has been held under the Act the Provincial Government have, in exercise of their powers under the rules,

invariably appointed the Chief Executive Officer both as the Registering Authority for the preparation and publication of the Electoral Rolls and as the Election Officer for the conduct of the elections, and the Chief Executive Officer has, in his turn, appointed the whole of the electioneering staff.

19. It is this *de facto* control of the Corporation Executive over the electoral machinery which in fact provided the occasion and the opportunity for manipulation which, as already pointed out, has been a regular feature of the elections. Willingly or unwillingly, the Executive just surrendered themselves, their judgment and independence, to Councillors or friends of Councillors who would not feel burdened with any "uncleanly scruples" to deter them from taking the fullest advantage of their position.

20. It is a question which will require serious consideration as going to the root of the administration, how the Corporation Executive came to be reduced to such a position of abject dependence on Councillors, powerless alike to withstand their threats and their blandishments. This raises in fact the whole issue as to what should be the correct relationship between the Corporation and the Executive, particularly in a constitution which claims to be democratic, where the people's representatives must necessarily be the sole repository of supreme authority. In such a constitution it is none too easy by statutory regulation to demarcate with precision the boundary line separating the respective spheres of the two authorities. Much must be left to be determined by a sense of mutual obligation and responsibility and a common desire for efficient service, and this must usually be a matter of healthy convention. Generally speaking, efficient administration demands that the Corporation or the Council should be the policy-determining agency of the city, and after the policies have been determined, it should be for the Executive to carry them into execution. In other words, the duties of the Council should be legislative and those of the Executive administrative.

21. Unfortunately, under the Act of 1923 this principle of separation of legislative and executive functions in the administration of the Corporation—a principle on which the author of the Act himself laid great stress—was given statutory effect only to a limited extent, viz., in ordaining a complete separation of the office of the President of the Corporation, the Mayor, from that of the principal Executive Officer of the Corporation. Otherwise, the Corporation was made the supreme authority, both legislative and executive, and except in respect of a few specified matters like Assessment, the Chief Executive Officer, instead of being given a statutory position of what Lord Snell would describe as "dependent independence", was made all but dependent on the Corporation, which ultimately meant the Councillors. Section 52 of the Act no doubt declared that he shall be the principal Executive Officer of the Corporation, and all other officers and servants of the Corporation shall be subordinate to him, but section 12 laid down a system of delegation under which it was left to the Corporation to delegate to the Chief Executive Officer such of its powers, duties or functions as it liked, with or without conditions or limitations, and subject also in any case to control and revision by the Corporation. The Chief Executive Officer, again, was to be appointed by the Corporation for a term subject to the approval of the Provincial Government, and his reappointment after the expiry of the term and his dismissal as well as his salary, allowances and conditions of service were also made to depend on the Corporation, subject to like approval.

22. It was perhaps Sir Surendra Nath Banerjea's hope that notwithstanding the above provisions in the statute, the Corporation, democratic as its constitution was, would nevertheless not fail to recognise the obvious limitations

of democracy, and help create a tradition of restraint on the part of the representatives of democracy which would instinctively make them desist from any attempt to dominate or unduly interfere with the executive in their legitimate sphere of action. Even in advanced democratic countries, unfettered independence of the executive in the administrative field is not regarded as incompatible with the principles of democracy, whether it is guaranteed by the constitution or not.

23. A democratised Corporation was, however, a novel institution in Calcutta, which required conditions to be created and conventions to be grown for its successful development, but those who came to work it happened to lay greater stress on the letter, rather than on the spirit, of the constitution, so that, in actual practice, not only the Corporation but each individual Councillor claimed to be the supreme authority and function as such in the executive sphere, demoralising and corrupting the whole administration. The history of the delegation of powers by the Corporation to the Chief Executive Officer is indeed an illuminating study, and throws a flood of light on how the executive head of the administration was made more and more dependent on the good graces of the Councillors, his authority curtailed and weakened to an incredible extent, striking at the root of responsibility and undermining discipline and efficiency all round.

24. We need not pursue the matter further at this stage, but it will not perhaps be out of place to quote here from the written evidence of two retired officials of the Corporation. Speaking from intimate personal experience, having successively held many responsible positions in the Corporation, one of them thus unburdens himself:—

"If one carefully analyses the causes of the prevailing abuses in the Corporation, one will find that they can be traced ultimately to the weakness of the Chief Executive. This weakness is the result of the ultra-democratic Act of 1923, which, instead of separating the supreme Executive and the Legislative powers, and keeping them in the hands of two separate authorities, vested them in a single body, the Corporation—leaving it to delegate to the Chief Executive such powers as suited their whims and the circumstances of the occasion. Today, if the Chief Executive behaves like a 'good boy', his powers are increased. Tomorrow, if he turns truant and becomes recalcitrant, he is punished with clipping of his powers. The Chief Executive Officer is thus reduced to a puppet dancing to the tune of the Corporation. He does not know what his precise position and powers are. His position is neither stable, nor strong, nor independent".

And he goes on to add:—

"Further, the Councillors are under the misapprehension that each of them is individually the possessor of the power which they possess in their corporate capacity. The supreme power, being thus split up among a large number of persons, becomes diluted and weak, and it is difficult for the Chief Executive to check indiscipline, insubordination, a spirit of rebellion among his subordinates, and to discharge his duties and responsibilities in the midst of a confused tangle of powers. The fragments of powers left in the hands of the Chief Executive serve no useful purpose in the administration, and the

subordinates, in the absence of check and disciplinary action, become lax, insubordinate and corrupt".

25. The picture is by no means exaggerated. To the same effect is the evidence of the other witness, a retired Chief Executive Officer, with the experience of a quarter of a century in Corporation service behind him.

"Our experience has been", says he, "that the history of the service life of any employee is a history of the extent to which he has been influenced, interfered with, deflected and carried away from his duties by Aldermen, Councillors or groups of them. Seldom has he been allowed to discharge his duties in the manner rightly demanded of him."

The better-minded amongst the Corporation employees and specially the superior officers perhaps feel, as the witness further points out, that it is to their interest that the administration runs well, that discipline is maintained and that malpractices are few, but they are helpless in the face of the forces of defection and disruption which are constantly brought to bear on them—forces which are centred in influential quarters and which it would be suicidal to ignore.

26. It will be our duty, to the best of our judgment, to suggest remedies for the situation which has arisen, but such remedies, it will be recognised, can relate only to changes in the form of government. Such changes are not unimportant so far as they go—so far, for instance, as they help to effect an integration of authority and responsibility, which is so essential to efficient administration,—but we are under no delusion that by any modifications either in the constitutional structure or in the organisational set-up, a system can be evolved which must necessarily secure the services of the right type of men, whether as Councillors or as administrators. As an American authority, writing on municipal government in the United States, says:

"Mechanical reforms are valuable in that they simplify procedure and prevent smoke screens and make dishonesty more difficult. But they do not force better men into office nor cause better and wiser decisions. More than mechanical reform is essential. *A change in the type of men who govern is pre-requisite to better government.* Wiser government does not follow automatically from tinkering with governmental mechanism".

27. After all is said and done, in the last analysis the problem must be, how to get the right type of men, men who will run the Corporation as it should be run, not in the interest of any particular person, party or clique, but for the benefit of the city as a whole. We refuse to believe that such men are not to be found in Calcutta, but if they are not found in the Calcutta Corporation, it must be because they are just not wanted, and the ultimate responsibility for it must lie with the citizens themselves. A city only gets the Municipal Council it deserves. More than a reform in the machinery of administration, necessary as it is, what the situation really demands is a new civic awakening among the people at large, which will fill them with a new sense of pride in the good government of their city, so that from a better realisation of their own responsibilities as citizens, they will not return any but honest and capable men to the Council as their representatives. The first desideratum, therefore,

would seem to be the education of the electorate in the duties of citizenship, and it need hardly be pointed out that the larger and more broad-based the electorate, the more effectively would democracy work. It would make a clean sweep of coteries and caucuses, of centres of graft and corruption, and give the city a Corporation worthy of the enlightened public spirit of its citizens.

28. The size and extent of the constituencies into which the city should be divided for electoral purposes and the number of persons in each constituency who should be given the right to vote, are thus questions of no little importance, which will require careful consideration. The existing division of Calcutta into wards, so far as one can see, is not based on any principle, and in fact presents striking inequalities between ward and ward both in area and in population. How far area and population ought to be determining factors in this behalf, is indeed a question which does not appear to have received any consideration ever since the system of election by wards was introduced. Under Act IV of 1876 when the town was for the first time divided into wards for purposes of election, the electoral divisions were made to correspond with the *thanas* or police divisions which then existed. There can be no doubt, however, that a directly elected Council demands direct contact with the citizens as far as possible, and from this point of view, as well as for stimulating the growth of local patriotism, a re-drawing of ward-boundaries on more rational lines is certainly called for, which will not at the same time result in making the Council too unwieldy a body.

29. Arising out of elections, it will be seen that the Commission will have to make various recommendations regarding changes both in the constitutional and the administrative spheres. One important question which it will also have to consider in this connection must relate to the extension of the boundaries of Municipal Calcutta. Apart from the fact that some of the areas in the neighbourhood of Calcutta have applied for inclusion within the Corporation, and apart from the consideration that Calcutta must also provide for its own normal expansion, an entirely new factor has recently come into existence which is virtually thrusting the city outward and making it burst through its bonds, so to say. Due to the extraordinary influx of population, following on the political division of Bengal, Calcutta is in fact faced with an unprecedented situation, in which, to borrow the expressive words of an English writer, we can now see the city "flooding the countryside, creating new land-values, exchanging new slums for old, sprawling far and wide without any control, devoid of coherence and integrity". It is indeed a revolution which Calcutta is undergoing, and it will not do to shut our eyes to it or fail to take steps to guide and control it. The vision of Greater Calcutta, which Sir Surendra Nath Banerjea saw more than 25 years ago, has become a live issue today. Speaking on his Calcutta Municipal Bill, these are the prophetic words which he uttered:—

"My idea is that as the years roll on, the municipal limits of Calcutta will grow and expand, until it includes even Barrackpore within its boundaries; that on both sides of Grand Trunk Road, one of the finest roads in India, there will grow up little municipalities, self-governing institutions managed by local bodies under the guidance and control of the greater body dealing with the larger questions of drainage, sanitation, and water-supply. That is my conception

of the future of Calcutta, and I trust that some one, filling the position I have the honour to hold at the present moment, will have the satisfaction of seeing this dream realised".

The problem will undoubtedly have to be tackled, but what is to be the exact form in which the dream may be realised, or how far it will be within the capacity or competence of the Calcutta Corporation to accomplish the realisation of the dream—is another question.

CHAPTER II.

Historical Background.

30. Before we proceed to deal with the subject of Elections, it would perhaps be interesting to begin with a short history of municipal government in Calcutta, both before and after the representative principle was finally admitted into the constitution.*

As we have indicated in the preceding chapter, local government based on popular representation has now taken firm root in Calcutta, but it was a plant of slow growth, and strange as the fact may seem to be, it will be seen, looking back in retrospect, that this was due, in the early stages at any rate, not so much to the cautious or conservative attitude of its foreign rulers as to the timidity and indifference of its inhabitants.

31. In the early days of Calcutta, the town was little better than "an undrained swamp, surrounded by malarious jungle", against which a servant of the East India Company, called the "zemindar" and later the Collector of Calcutta, struggled heroically with his inadequate staff and inadequate funds. In 1726, under a Royal Charter issued in the twenty-sixth year of the reign of George I, a Corporation was established for the first time, consisting of a Mayor and nine Aldermen, with a Mayor's Court exercising civil, criminal and ecclesiastical jurisdiction over British inhabitants. The duties of the Corporation were to collect ground rents and town dues, and to make repairs to roads and drains, but it did little to improve the administration. A new Royal Charter was granted by George II in 1753, establishing a new Mayor's Court, and an effort was made shortly after to organise a municipal fund by the levy of a house tax (which, however, came to nothing). In 1793, a statute was passed (33 Geo. III, c. 52), which substituted the corporate control of Justices of the Peace for the autocratic administration of the Collector, but this was not yet based on the principle of popular representation, the Justices being all appointees of the Governor-General and removable at his pleasure. The Justices administered the municipal affairs in theory, but in practice the power passed into the hands of the Chief Magistrate.

32. It was at the beginning of the 19th century, with the promulgation of Lord Wellesley's celebrated Minute of 1803, that the problem of sanitation began really to attract some attention in Calcutta. After a comprehensive survey of the whole field of municipal activities which then required attention, the Governor-General appointed a strong Committee to consider and report on the means of improving the town, and followed it up with the appointment of the famous Lottery Committee in 1817, to raise funds for the purpose. During the first three decades of the century numerous works of public utility were

*The account has been collected mainly from "Municipal Calcutta" by S. W. Goode (1916), the Corporation Year Book, and Proceedings of Legislative Councils.

in fact taken in hand and completed, but the system in force was still a standing negation of the principle of municipal self-government. The Chief Magistrate who was all in all derived his authority from Government and not from the people, and he felt the inevitable drawbacks of this position. He grasped the need, but recognised the danger, of levying taxes unless authorised by the people or their representatives, and also realised how administrative efficiency suffered without the active help and co-operation of the community.

33. In 1833, the then Chief Magistrate, D. M'Farlan, a man of great ability and a conscientious officer, himself made the first proposal for an experiment in representative government. He suggested the formation of advisory Municipal Committees in the four divisions of the town, to be elected by the ratepayers. The scheme, however, was still-born, M'Farlan's own note being that "there was on the whole abundant evidence that Calcutta was not ripe for popular measures of this description". The failure of the scheme was said to be due to the apathy and indifference of the inhabitants, which M'Farlan attributed mainly to a fear that the Committee plan might lead to heavier taxation. The paternal system of municipal government, with all its imperfections, still held the popular mind.

34. Government, however, did not despair. In 1836, came the famous Fever Hospital and Municipal Improvement Committee, to which Lord Auckland gave an official status by his approval of the Committee's intention to undertake, in addition to their scheme for a Fever Hospital and sanitation of the town, "the more difficult and important task of endeavouring to frame such a plan of Local Management and Taxation.....as may be best calculated to secure efficiency and general confidence in the application of the funds collected". The Committee felt that the people were not yet ripe for self-government, but nevertheless recommended that some preparation should still be made for so training the inhabitants that they might in time relieve Government entirely from the attention which the latter was now compelled to give to details of municipal administration.

35. The immediate outcome of this Report was Act XXIV of 1840, which was the first legislative attempt to introduce the principle of popular representation in the municipal government of Calcutta. It gave power to the Governor of Fort William to authorise the rate-payers in any of the four divisions of the town, on application made to him by two-thirds of their number, to undertake the assessment, collection and management of the rates up to a limit of 5 per cent. on the assessable value of property in Calcutta. Not even one such application was, however, made to the Governor, and in effect the scheme became wholly inoperative.

36. A further attempt at popular representation was made by a succeeding statute, Act XVI of 1847, under which a Board of seven Commissioners was constituted in the place of the Justices for the administration of municipal affairs, and it was provided that out of these seven Commissioners, a minority of three were to be appointed by Government, while the remaining four were to be elected by the rate-payers, one from each division of the town. Unfortunately, this scheme of election, restricted as it was, also failed, Indians of position showing themselves reluctant to stand. The result was that by Act X of 1852 the number of Commissioners was reduced to four, half of whom were to be appointed by the Governor of Bengal, and the other two by the

two divisions, Northern and Southern, into which the town was then divided. Operation of the elective principle was later suspended by Act XXVIII of 1854, and it was finally scrapped by Act XXVIII of 1856 under which a small body of only three Commissioners (a "triumvirate", as they came to be known) was set up, all of whom were to be appointed by the Lieutenant-Governor.

37. A number of Acts were passed in the same year, 1856, making elaborate provisions *inter alia* for improving the assessment and collection of rates and taxes, and also for raising additional funds for the better lighting and drainage of the town, and there can be no doubt that the triumvirate set to work under the new order with great vigour and foresight. They accomplished a great many things including the beginning of the long-awaited Drainage Scheme of Calcutta.

38. In 1861, however, the Trades Association, complaining of the insufficiency of the municipal arrangements, made a representation to Government, urging the appointment of a Commission with a view to the establishment of an administration "adequate to the requirements of the city". The result was the setting up of the Seton-Karr Commission to enquire into and report on measures necessary to place the municipal government of Calcutta on a sound and efficient footing.

39. The Commission came to the conclusion that the main want of Calcutta as regards conservancy and other works of improvement, of which the city admittedly stood in need, was an adequate supply of funds, and they further declared that in their opinion—

"the present form of administration might with advantage be exchanged for one in which the inhabitants could themselves take a more direct and active part in municipal arrangements, under which much of the duty that now falls on the Board of Commissioners might be divided amongst local Committees, and which, without much extra expense, might excite a spirit of emulation among the residents, such as could not fail to have beneficial results on the sanitary state and general conservancy of the city".

40. The scheme which the Commission finally recommended was the abolition of the existing Board of three Commissioners, and the substitution for it of six local Boards, and one Central, each to consist of six members, all honorary and to be appointed by Government. The local Boards were to operate, each within one of six specified divisions of the town. They were to have no concern with the assessment or the collection of taxes, nor were they to have power to originate any important works, forming part of a general scheme and affecting the health or convenience of the residents of the whole town. They were only to spend properly the funds allotted to them. The Central Board was to exercise general control, and to it was to be entrusted the collection and the allotment of funds, the prosecution of important works, the purchase of lands and the renewal of roads. The Commission had carefully examined an alternative proposal of entrusting the management of conservancy of the town to the hands of a single person, but as Mr. Seton-Karr, President of the Commission, explained to the Council, the theory of a "civilised despot", though it had a certain attractiveness, did not commend itself to them.

41. Two Bills were introduced in 1862 founded on the Commission's report, one "for appointing the Municipal Commissioners for the town of Calcutta and for levying rates and taxes in that

town", and another "for the conservancy and improvement of the town of Calcutta", the latter being a re-enactment of Act XIV of 1856, with consequential alterations rendered necessary by the first Bill, which was undoubtedly the crucial measure. The Bills do not appear to have been well received. It was considered doubtful if the scheme as devised by the Commission was a sufficient answer to the real question which they had themselves raised, viz., whether Calcutta's municipal affairs were to be administered by officials under the direct control of the local Government, or to be managed by a self-governing institution based on the principle of representation. The Select Committee appointed to report on the Bills were given the utmost latitude in dealing with the matter, and were instructed not to consider themselves limited by the strict terms of the Bills. The Committee finally reported that the Bills be withdrawn, and they were accordingly withdrawn. On behalf of Government an assurance was given that no time would be lost in bringing forward another Bill, which, it was hoped, would prove more generally acceptable. It was stated that the general principle of the proposed measure would be to vest in the Justices of Calcutta, as representatives of the ratepayers, a general control over the government of the town, leaving the executive administration in the hands of a single officer responsible to the Justices.

42. A new Bill on the lines indicated above, which became Act VI of 1863, was in fact introduced a fortnight later. As Sir Ashley Eden, moving for leave to introduce the Bill, explained, the proposed measure attempted a compromise between two extreme sets of opinions as regards the best means of securing an efficient municipal government for the town. On the one hand, there was the view that those who paid the taxes had the right, through their representatives, to decide all questions connected with the spending of such taxes, and also that administration could be more efficiently carried on by such representatives—"unpaid volunteers", as he called them—than by a paid official not responsible to the people at all. On the other hand, there were those who thought that representative administration was neither so easy nor so practicable an affair as was sometimes supposed, and it was much better to hand over the administration to one responsible officer, free from all control except that of Government. Anything like the retention of an "executive administrative Board", as Sir Ashley Eden put it, was, in his opinion, wholly out of the question. The citizens were doubtless entitled to take a due share in the management of the town, but it was at the same time important to have one individual responsible for the executive administration. To divide responsibility was in fact to dispense with it altogether.

43. As the first serious approach to the principle of associating a large number of the citizens in the administration of the town, we might perhaps give in some detail an outline of the scheme as envisaged in the Bill, and we can do no better than quote from the speech of the mover for the purpose:

"We propose", said Sir Ashley Eden, "to vest the general control of municipal expenditure in a considerable body, trusting the execution in detail of all sanctioned works to one well-paid officer, who shall devote his whole time and energy to the work. This it is proposed to do, by making the Justices of the Peace of the town of Calcutta, a body corporate. Care will be taken that all

classes, official, non-official, European and native, are suitably represented. The Government will then nominate to the office of Chairman of the Justices an energetic and experienced officer. At the commencement of each year, the Chairman will submit to a meeting of the Justices a budget of the expenditure which he proposes for the ensuing year, and the rate and taxes which he proposes to impose for the purpose of meeting this expenditure. The Justices will, after careful consideration, pass, modify, or otherwise alter either the amount which it is proposed to expend or the details of expenditure. They will then determine the amount of rates to be levied within the limit fixed by the Legislature. When the budget has been passed by the meeting of Justices and has received the sanction of the Lieutenant-Governor of Bengal, it will be left to the Chairman to carry out the sanctioned works.

"To assist the Chairman, to whom it is proposed to assign a salary not exceeding 3,000 rupees per mensem, there will be a Vice-Chairman and Town Clerk, receiving a salary not exceeding 1,200 rupees per mensem, who will preside at the Meetings of the Justices during the unavoidable absence of the Chairman. The Chairman is to have the power of calling meetings of the Justices whenever he may desire to lay before them any questions of importance, and any five Justices, exclusive of the Chairman and Vice-Chairman, will form a quorum. Any ten Justices may, at any time, submit to the Chairman a requisition for a Meeting of the Justices, to consider any matter connected with the Municipality. If the Chairman neglects or refuses to call the Meeting, the ten Justices may issue the requisite notice detailing the particular points for discussion.

"The Chairman will be nominated by Government, as there are obvious reasons why this should be done, rather than there should be anything like an election of the Chief Executive Officer, though, doubtless, the Lieutenant-Governor, in making his selection, would, as far as possible, consult the wishes of the Justices. The Chairman will be removable on a requisition to Government signed by two-thirds of the Justices resident in Calcutta. The Vice-Chairman is to be appointed and removed by a Resolution of two-thirds of the Justices.

"The Chairman will be assisted by an efficient professional staff, consisting of an Engineer, Surveyor, Health Officer and Assessor, to be appointed and removed by the Justices. All other officers are to be appointed and removed on the responsibility of the Chairman, but where the salary exceeds 200 rupees, the confirmation of the Justices will be necessary.

"The Justices might appoint Special Committees to advise the Chairman in regard to particular works. Provision will also be made for taking a periodical census of the population, and for establishing a system of registration of births and deaths. The Bill will, at the same time, empower the Lieutenant-Governor, should

he see fit so to do, to place the Police Administration under the Chairman of the Justices".

44. Act VI of 1863 remained in operation for nearly a decade, and admittedly solid results were achieved under the new constitution, division of power with representatives of the people, non-elected as they were, doubtless contributing to a great extent to the successful working of the system. The scheme had, however, its defects: it lacked an elective basis, the machinery was clumsy and unwieldy, and there was no clear demarcation of powers between the controlling body and the executive—a circumstance which was not unlikely to lead to conflict of authority.

45. The Act underwent quite a number of amendments, to remove the defects which had been found to exist in actual working, and in 1875 a Bill was introduced with the idea of consolidating the municipal law as it then stood, embodied in as many as fourteen or fifteen amending enactments. No changes were proposed at that stage regarding the constitution. Apparently, the authorities were satisfied with the existing order of things, providing a strong Executive Head appointed by Government, while associating with him a number of intelligent men, the Justices, selected by Government from all classes of the community.

46. Be it recorded to the abiding credit of the then Lieutenant-Governor, Sir Richard Temple, that on his part he had felt from the beginning the anomaly of providing for popular representation in municipal government solely by selection, and at a late stage of the Bill, after in fact the Select Committee had made their report on its provisions as originally framed, he of his own accord raised the question in the Council, declaring himself in no uncertain terms to be in favour of the principle of election. Some of the words which he used on the occasion are worth recalling: "I think it is most desirable that the rate-payers as a body should be accustomed to study their municipal affairs, that they should take lively interest in the checking of expenditure, and reducing the necessary taxation to the lowest possible amount..... It is good, morally good, for the natives of this country that they should be accustomed to incur that responsibility to their own judgment and conscience which is implied by the exercise of the franchise".

47. This is how the beginning was laid of representative government in the municipal history of Calcutta—a cautious beginning as it was. The Select Committee, reporting on the question of the constitution, proposed that the Corporation should consist of 72 members, of whom 54, or three-fourths, should be elected by the rate-payers, and the remaining 18, or one-fourth, nominated by Government. It was further their recommendation that the number of Hindus, Mahomedans, and persons other than Hindus and Mahomedans, to be appointed as members, whether by election or by nomination, should be fixed by statute. On the elected panel the proportion was to be: 27 Hindus, 9 Mahomedans and 18 persons of other nationalities, while out of the nominated members, 9 were to be Hindus or Mahomedans at the pleasure of Government, and the rest, persons of other nationalities. The popular party in the Council, however, took strong exception to the proposed restriction of the rights of electors on a communal basis, and they won in the end, though this meant their having to accept an increase in the proportion of nominated members. The Bill as it was finally passed (Act IV of 1876) thus provided for 48 (or 2/3rds) elected, and 24 (or 1/3rd) nominated seats, the town being divided for election purposes into 18 wards, co-terminous with the existing Police divisions. Six of these wards were

to return only 2 members each, while the remaining 12 wards had each 3 representatives assigned to it.

48. The elective system was undoubtedly a great step forward, but as Sir Richard Temple explained, it was still an untried experiment, and Government found it necessary, therefore, to retain sufficient control over the municipality in its hands. No express provisions for such control over the Justices were to be found in the Act of 1863, but that was because none were called for, as the Justices were all Government nominees and might be regarded as "in a great degree part of the Government", and there was, again, no limit to the number of Justices whom Government might appoint. With as much self-government as was "safely possible" given to the Municipal Commissioners, there were, however, certain matters in respect of which it was thought Government should have the final authority.

49. The power of appointing the Executive was of course retained by Government, the provisions in this respect as well as in respect of the appointment of Committees, being practically maintained as in Act VI of 1863, except that under section 32 of the new Act the appointment of all statutory officers was made subject to the approval of the Local Government. Apart from this, the statute (section 27) now laid down in specific terms certain compulsory duties which the Municipality was bound to carry out, viz., to provide for payment of interest on the municipal loans and form a Sinking Fund for liquidation of the debt, to maintain the Police sanctioned by Government, to carry out the new underground drainage scheme then under construction, to provide an adequate and efficient water-supply, to make adequate arrangements for conservancy, and finally, to provide necessary funds for these purposes. An efficient system of conservancy being the main desideratum, specific power was also taken by Government (section 28) to appoint, if necessary, special Commissioners to enquire into and report on the conservancy arrangements of the municipality, and if these were found to be defective, to compel the municipality to carry out the recommendations of the Commissioners in this behalf.

50. An indirect control was also sought to be achieved by and through certain adjustments and arrangements made regarding the elected seats with a view to ensure the return of a number of Commissioners, who, together with the one-third nominated members, might be expected to furnish an effective counterpoise to the preponderance of opposition from the popular section. Thus, the European wards, though smaller in population than the wards in the Indian sections of the town, were given a proportionately larger measure of representation, and the cumulative vote was also allowed to all the wards which elected 3 members.

51. The first election under the new system was held on the 1st September 1876, and three other elections followed at successive intervals of three years—in 1879, 1882 and 1885.

Any male resident of the town or suburbs who had attained the age of 21 years was entitled to be a voter, if he had paid a total sum of Rs. 25 or more in rates or taxes or in both, during the preceding year, while the qualification prescribed for election as a Commissioner was payment during the preceding year of a minimum sum of Rs. 50 on the same account. The municipal assessment registers were so inaccurate that it was practically impossible for the Chairman to prepare a correct list of voters from these records. Persons qualified to vote were accordingly required to apply to the Chairman for registration of their names, and satisfy him as to their qualifications, and it was from the applications so registered that the Chairman prepared the electoral rolls.

52. We give below in a tabular form a few figures regarding the first four elections, which will be found interesting:—

Year of election.	Number of voters.				Total.
	Hindus.	Mahomedans.	Others.		
1876 ..	4,556	289	199	5,044	
1879 ..	6,025	604	377	7,006	
1882 ..	9,194	850	1,363	11,407	
1885 ..	7,827	1,064	1,105	9,996	

Year of election.	Number of persons elected.				Total.
	Hindus.	Mahomedans.	Others.		
1876 ..	41	3	4	48	
1879 ..	39	3	6	48	
1882 ..	2	5	11	48	
1885 ..	27	8	13	48	

Without seeking to draw any general conclusion from these figures, it may be pointed out that while, as regards the majority community, in proportion as the number of voters increased, there was a decrease in the number of persons elected, in the case of the other communities, the larger the number of voters, the larger became the number of representatives they returned.

53. As to whether the elective system introduced in 1876 was a success or not, opinion was divided. There can be no doubt, however, that the administration of the town under the new regime had, on the whole, been satisfactory. A number of major improvements had been effected during this period, such as the completion of the drainage scheme, an increase in the supply of filtered and unfiltered water, and the construction of arterial roads. The question was, whether and how far this had been due to the presence of the popular element in the municipality, or to the executive being enabled to function effectively with the backing of a majority drawn from other sections of the Corporation.

54. In April 1886 Government introduced a new measure for amending and consolidating the Municipal law (Act II of 1888). This had been necessitated by a proposal approved by Government about this time for amalgamation of a large area from the suburbs lying to the east and south of Circular Road with Calcutta, and as was to be expected, the Bill contained provisions for the constitution of an enlarged municipality including the proposed added area. The scheme put forward was to maintain the 18 town wards unchanged, and merely to add 7 more wards, representing the new area, making 25 wards in all. Many of the existing wards, as stated before, used to elect 3 members each, but the representation of each ward was now to be limited to 2, which made a total of 50 elected Commissioners for the entire area after amalgamation. No change was intended in the proportion of elected and nominated members, which was to continue as 2:1. The only effect of these provisions was to raise the total strength of the Corporation from 72 to 75, that is to say, by 3 only, which was considered to be a disproportionately low figure.

55. It is not surprising that these proposals led to a strongly expressed demand from the popular party for an increase in the number and proportion of elected Commissioners, to which there was vigorous opposition from the official side. It was maintained, on the one hand, that the success of the elective system justified an increase, while it was urged, on the other, that the elective system

had been a success only in so far as it had organised an effective opposition and check to extravagance, but had failed in so far as the opposition had proved numerically too strong.

56. It is worth recording that Sir Henry Harrison, the official spokesman who led the opposition, and who was also the Chairman of the Municipality since 1881, could not help paying a high tribute to the work of the elected Commissioners. The elected Commissioners, he said, had "taken the greatest possible interest in the work", had been "most assiduous in their attendance at meetings", and had "looked into matters with care and scrutiny such as was hardly found in any other department". They had "set their face resolutely against all extravagance", and "thrown the light of discussion on every detail". They had brought with them "the light of real public opinion", so that the authorities knew what the public wanted and what they objected to. Besides, the Commissioners were persons who represented local areas and local needs. Ratepayers knew that they had a Commissioner who represented them, and when they had a complaint, if it was not immediately attended to by the Executive, they appealed to get the assistance of their Commissioner. The amount of good work done by the Corporation that way had been enormous. Too much attention to local wants might perhaps have encouraged a parochial spirit in the Corporation, but the remedy for it might be just to have a certain number of elected members to represent local wants and a certain number to represent metropolitan wants. The last and the most important result of the elective system, said Sir Henry Harrison, was that the elected Commissioners had themselves improved much by experience.

57. All the same, Sir Henry Harrison could not get over the feeling that the role which the elected Commissioners played was the role of opposition. "*They have in fact been the brake-power in the municipal train*", he observed, but "*a train cannot progress by brake-power alone, nor can a city thrive by opposition alone. It is also necessary that you should have motive-power*". The realisation had yet to come that those who applied the brake might also supply the driving power.

58. The attempt to get a larger representation of the popular element in the Act of 1888 failed. The total number of Commissioners was retained at 75, as proposed in the Bill, and the two-thirds proportion of elected ward representatives was also maintained. As regards the one-third of the Commissioners who were till then appointed by Government, and whose number now stood at 25, an important change was made. Out of the 25, only 15 were left to Government nomination, and the remaining 10 were to be elected by special constituencies,—4 by the Bengal Chamber of Commerce, 4 by the Calcutta Trades Association and 2 by the Port Commissioners. This was the first recognition of the claims of trading and commercial interests to special representation.

59. A more significant innovation was the introduction of a system of plural votes, under which a person qualified to vote as owner or occupier of a house was given additional votes, up to a maximum of 10 in any ward, according to an ascending scale, from Rs. 600 to Rs. 5,000, of minimum aggregate valuation of all the premises owned or occupied by him in the ward. The object was to give weightage, up to a point, no doubt, to the wealthy and influential section of the community, on the principle that the higher the taxation, the higher should be the representation.

60. New rules were laid down regulating the franchise. Electors were classified under five heads:

- (a) Persons who are *owners as well as occupiers* of houses or lands numbered and assessed at not less than Rs. 150 per annum;
- (b) Persons who are *owners* of houses or lands separately numbered and assessed at not less than Rs. 300 per annum;
- (c) Persons who are *occupiers* of houses or lands separately numbered and assessed at not less than Rs. 300 per annum;
- (d) Persons who have paid Trade license fee under class I, II, III or IV (Rs. 200, Rs. 100, Rs. 50 or Rs. 25) for the year in which the election is held;
- (e) Persons who have paid on their sole account and in their own names, for the year preceding that in which the election is held—

Rs.

Rates not less than	24
Or, carriage and horse tax	24
Or, rates and taxes, including Trade and Profession tax (combined) ...	24

A point of great practical importance was the introduction of the system of polling under which votes had to be given personally at the polling stations.

61. A departure was made from the Act of 1876 as regards the preparation of the list of voters. Instead of eligible voters having to apply to the Chairman for registration of their names, the Chairman was now required to prepare from the registers in his office a list of the persons qualified to vote under clauses (b), (c) and (d). Persons qualified only under clause (a) or clause (e) were still required to apply to the Chairman to have their names added to the list after its publication. The statute also gave the Chairman certain other specific duties in connection with elections, leaving it to the Local Government to make rules, not inconsistent with the Act, for the purpose of regulating all matters connected therewith.

62. Attention may be called to another important provision made under the Act of 1888, viz., the constitution of a General Committee consisting of 18 Commissioners, of whom 12 were to be elected by the 50 ward representatives, and the other 6 by the remaining 25 Commissioners, 15 Government nominees and 10 elected by the special constituencies. The General Committee was to be the Budget and Finance Committee of the Corporation and to transact such other business as might not be referred to any other Standing or Special Committee. The Chairman and Vice-Chairman were to be *ex-officio* members, and the Chairman, or in his absence, the Vice-Chairman, was to preside at meetings of the Committee. In the absence of both, the members were to choose one of their number to preside.

63. The General Committee was really the reconstituted form of a large unofficial committee of the Commissioners, which, without any express provision in the statute, had informally come into existence after the passing of Act IV of 1876, and to which Mr. Metcalfe, an officiating Chairman of the Corporation, gave the name of "Town Council", a name under which it was afterwards given statutory recognition by an amendment of the said Act by Act VI of 1881. Specific provision was made in this behalf in terms which also included the appointment of Special Committees. By the

amended provision (section 55) the Commissioners in meeting were empowered, from time to time, to "appoint, from among the Commissioners, a Town Council and so many Committees of a special nature, consisting in each case of such number of persons as they may think fit, for the purpose of enquiring into, and reporting upon, any matter connected with the conservancy or improvement of the town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners, would be better regulated or managed with the advice and aid of such Town Council or Special Committee". The Chairman or Vice-Chairman was to be a member of the Town Council or the Special Committee. It was further provided that the proceedings of the Town Council and every Special Committee should be submitted to the Commissioners at a meeting, and *in cases where the Chairman and the majority of the Town Council or Special Committee differed on any matter, no action was to be taken in respect of such matter until it was disposed of by the Commissioners in meeting.*

64. In addition to the separate provision made as regards the General Committee (sections 63 and 64), Act II of 1888 also contained provisions (section 65) for the appointment of Special Committees, and of Standing Committees as well, in similar terms and for similar purposes as in the previous Act, with this addition that a Special or a Standing Committee could only deal with a matter connected with the conservancy or improvement of Calcutta, not assigned by the Act or by the vote of the Commissioners in meeting to the General Committee.

65. The proceedings of every Standing or Special Committee as well as of the General Committee were likewise required to be submitted to the Commissioners in meeting, and each such Committee and the General Committee were equally to be bound by any resolution passed by the Commissioners in meeting (sections 64 and 66). To deal with emergencies, an important proviso was added to the effect that when the Chairman and the majority of the General Committee, or of any Special or Standing Committee, were in accord, and inconvenience was likely to result from delay, it should not be necessary before action was taken, to wait for the confirmation of the Commissioners in meeting. This was, however, subject to the provision that *if the Commissioners in meeting did not confirm the action of the Committee, such steps were to be taken to carry out the orders of the Commissioners as might still be practicable.*

66. It is necessary to invite attention in this connection to the specific provision in Act II of 1888 regarding the powers of the Chairman (section 61), which was in these terms, and was substantially a repetition of the provision in the previous Acts of 1863 and 1876:—

"The Chairman may exercise all the powers vested by this Act in the Commissioners:

Provided that he shall not exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting. Nor shall he act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting; and if any order passed by him under the authority vested in the Commissioners is brought before a meeting of the Commissioners and modified or disapproved of by them, the Chairman shall, as far as possible, modify or cancel such order so as to bring it into conformity with the order of the Commissioners in meeting".

It should be observed that the Acts draw a distinction between the powers vested in the "Commissioners" (*simpliciter*) and the powers exercisable by the "Commissioners in meeting".

67. Act II of 1888, like the earlier Act, also laid down a number of duties which the Municipality was required to perform (section 37). These now included for the first time an obligation to devote not less than a sum of 3 lakhs of rupees annually for the improvement of the areas newly added to Calcutta. As against this, it may be stated, Government had agreed to relieve the Calcutta Municipality of the burden of contributing an almost equivalent sum on account of Police charges. The Act also made it obligatory on the Corporation to spend annually a minimum sum of 2 lakhs of rupees for the completion and extension of drainage works and the improvement of bustees. In the event of "general" and "serious" default on the part of the Commissioners in the performance of any of these duties, power was taken by the Local Government, after "due enquiry", to make an order calling upon them to perform the same within a specified time, the Commissioners being given a right of appeal to the Governor-General in Council against such order. On failure of the Commissioners to carry out the requisition, the Local Government was empowered to get the work done at the cost of the Corporation (section 38).

68. The constitutional provisions in Act II of 1888 had virtually been repeated with no very material alterations from the previous Act of 1876, and though, as already indicated, they met with strong opposition in the Council from the Indian section of the community as falling far short of the demand for a larger measure of self-government which was claimed and believed to be the city's legitimate due, they were apparently regarded by Government, who had undoubtedly the determining voice in giving the measure its final shape, as sufficient protection for what their spokesman had described as the "motive-power" of the "municipal train" against a capricious or indiscriminate use of the "brake" by the elected representatives of the people.

69. Quite a different picture, however, came to be presented by Government after less than nine years' working of the Act,—and that marks the next stage in the municipal history of Calcutta,—when on the 19th March 1898, Mr. Herbert Risley (as he then was) introduced a Bill which finally became the Calcutta Municipal Act, associated with the name of the then Lieutenant-Governor, Sir Alexander Mackenzie. Nominally a Bill to amend Act II of 1888, it was in fact a large and comprehensive measure, dealing with all branches of the city's administration and making revolutionary changes in the municipal constitution.

70. The immediate occasion for the proposed legislation appeared to be the report of a special Medical Board, which had been appointed by Government in October 1896, immediately after the occurrence of a case of plague in Howrah, for the purpose of checking the spread of the disease. The reports of six Medical Officers, who had been deputed by the Board to make a sanitary survey of the town and suburbs of Calcutta, disclosed a state of things regarding sanitation and conservancy of the town, which, it was maintained, called for resolute action at the highest level, particularly in view of Calcutta's growing importance as a centre of national and international trade. Government considered that the first step necessary was to revise the Municipal Act, so as to provide the town with a responsible Municipal Executive, and furnish this Executive with a law adequate to the sanitary requirements of the present day and the condition of Calcutta as it then was.

71. According to the Lieutenant-Governor, the present constitution of the Municipality was "ill-adapted to stand the strain of a grave and sudden emergency, and failed to secure the prompt and continuous executive action which was necessary". In point of fact, under the present law, His Honour observed, *there was no municipal constitution at all in the proper sense of the word. Everything was fluid and indefinite.* The Act vested in the Commissioners all powers, whether they were such as a large deliberative body could properly exercise or not; but it allowed the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners in meeting, subject to such limitations and conditions as might be imposed, before and after he had acted under this power, by a resolution of the Commissioners. It further conferred an unlimited power of controlling the Chairman by the action of its Committees. The consequences had been, he went on to say, what might have been expected—a complete breakdown of the conservancy at the critical period, and serious confusion in other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lay.

72. The cause of this uncertainty, the "great flaw in the present Act", as the mover of the Bill expressed it, was to be found in section 61. Summing up the result of this and a few other sections, like sections 63 to 65, Mr. Risley said that they came to this: "The Chairman as such has virtually no power under the Act. Whatever he does, he does on sufferance, with the knowledge that the power he has ventured to use may be withdrawn from him by resolution, or that the action which he has taken may be upset with retrospective effect". "No reasonable being", he remarked, "can suppose that an Executive hampered by the possibility of interference by any one of a series of multifarious Committees, and watched by a Complaints Committee which any grievance-monger can set in action, can administer successfully the affairs of a great city".

73. Another defect in the working of the Act, a "fatal defect" as he called it, which Mr. Risley deeply deplored, was what he described as the practical exclusion of European men of business from a share in the municipal government of Calcutta, which he asserted had passed into the hands of a Hindu oligarchy. Mr. Risley would not blame these Calcutta merchants for having themselves held aloof from the municipality. The European mercantile community could hardly be expected to take an active interest in municipal affairs when, rightly or wrongly, they considered that at meetings of the Commissioners time was wasted in fruitless debate, and they could not hope to command anything more than an insignificant minority. Mr. Risley's complaint seemed in part almost an echo of what Sir Alexander Mackenzie had said of the Corporation on another occasion that it was "an armoury of talk and an arsenal of delays".

74. It is significant that neither the Lieutenant-Governor nor the Hon'ble Member in charge of the Bill condemned the Municipal Commissioners, but only blamed the system. "To say that there must be a change in the constitution of the Municipality", declared Mr. Risley in his opening speech, "does not necessarily imply any reflection on the work done in the past by the Commissioners or their Executive. It means merely this, that the constitution introduced in 1876, and maintained in all essentials in 1888, fails to meet the wants of the present day". Replying to the debate on the principles of the Bill, Mr. Risley in fact admitted the good work done by the Commissioners, but added that it was in their dealings with "large issues" that they

were to be seen at their best. In respect of minor matters which constituted the greater bulk of their work, it was a different story—constant interference with the Executive and perpetual reference to Committees and Sub-Committees,—a result, it was suggested, of the system which was in force.

75. Sir Alexander Mackenzie also acknowledged the good work done by the Municipal Commissioners. "It is perfectly true", said the Lieutenant-Governor in winding up the debate, "that we should look at the work done by the Corporation. I see it—I have admitted it; there is a fair outside and an imposing superstructure, but we all know that beneath this there is a good deal of what no Corporation or any one can feel proud of. I am not going to make an attack upon individuals or upon anybody specifically, but we all know that there is underneath the surface, *in the present system of working*, things which ought not to be". "We all know", added His Honour, "that there are classes of candidates who come forward to contest municipal elections, not out of love for the public service, but of a regard for their own personal advantage. We all know that when it comes to the question of making appointments in the Municipality, there is canvassing, there is jobbery, there is even corruption; and I say that the work of no city can be carried on until there is some effective stop put to iniquities of that description. *My theory of the Bill, the cardinal principle of the Bill, the essence of it, is that we must leave the ordinary everyday work of the city in one man's hands*".

76. The Bill was accordingly devised with a two-fold object—to provide the Municipality with a strong Executive, and to secure effective representation for the European mercantile community. As regards the first object, it proposed definitely to abandon the system followed in the previous Acts, and to set up instead *three distinct municipal authorities, interposing a working committee between the Chairman, on the one hand, and the main body of the Commissioners, on the other, with a precise definition and demarcation of the powers of each of these authorities*. To the Corporation were to be reserved the right of fixing the rates of taxation and of finally adopting the budget estimates, and all those general functions which could be efficiently performed by a large body, provision being made at the same time against the contingency of their deliberations impeding the transaction of necessary business. *In the Chairman was to be vested the entire executive power, to be exercised by him either independently or subject to the approval or sanction of the Corporation or the General Committee, as and where this was expressly directed*. The General Committee was to be the business committee which would stand between the deliberative and the executive authorities, and deal with those matters which by their very nature were ill-adapted for discussion by the Corporation, and yet were too important to be left to be disposed of by the Chairman alone.

77. The second object of the Bill was sought to be achieved mainly through the constitution of the General Committee, with equal representation for European mercantile interests, the interests of the general body of ratepayers, and the Local Government. It was to consist of 12 members, with the Chairman as President; and out of the 12 members, 4 were to be elected by the Commissioners representing the Bengal Chamber of Commerce, the Calcutta Trades Association and the Port Commissioners, 4 were to be elected by the ward Commissioners, and 4 were to be Government nominees. It was expected that businessmen would work on a business Committee, and pull their full weight through it in the municipal government of the town.

78. The power of appointing the Chairman was to remain vested in the Local Government as before. But the Bill withdrew from the Commissioners the discretion which they had hitherto exercised of fixing the Chairman's salary and house-rent allowance, as it was felt that a Government officer specially selected for this difficult post should not be placed in a false position by being made dependent on the good-will of the Commissioners for any addition to his pay. Provision was also made in the Bill for appointment of a Deputy Chairman by the Local Government, power to appoint the Vice-Chairman being left to the Corporation, subject to the approval of the Local Government, as in the previous Act.

79. The Bill as framed left untouched the number of the Commissioners and the method of electing and appointing them. It also left the franchise unaltered and maintained the existing arrangements of wards. Only a few changes were made in the procedure for municipal elections. Persons who wished to be enrolled as voters were required to register their names in the Assessor's office, and show that they had paid in their own names all rates and taxes due from them for the first two quarters of the municipal year. It is just as well to point out that this rule was amended in 1908, and the obligation in this behalf placed on the Chairman. The Bill further proposed to incorporate the provisions relating to elections in the substantive law, either in the body of the Act or in the schedules, instead of leaving such matters to be dealt with in part by rules to be framed by the Local Government. The Chairman was to continue as before as the authority both for the preparation and publication of the electoral roll and the conduct of the elections.

80. As was to be expected, the Bill was strenuously opposed, but without avail. The opposition came from a small, but resolute group of popular representatives, who, though in a hopeless minority in the Council, could nonetheless claim to command the confidence of the vast majority of Calcutta's ratepayers. Among the valiant few who put up this sustained fight, one cannot but recall the honoured name of Surendra Nath Banerjee—the doughty champion of popular liberties, to whom, as we know, by a strange turn in the tide of human affairs, it was vouchsafed within less than 25 years to undo what he believed to be a cruel wrong done to the city of his birth—an outrage on the institution of local self-government in the country.

81. In vain did the great leader raise his voice against the threatened blow to civic freedom. He did not claim that the constitution of the Municipality was perfect. "Far from it. It is capable of improvement", he asserted, "but it does not lie in the directions indicated in the Bill". Ever since there had been a Corporation in Calcutta, he pointed out, the authority of the Corporation had always been supreme. This principle, as he said, was first affirmed by the Act of 1863; it was re-affirmed in 1876; it was again affirmed in 1888, and under this constitution the Municipality had introduced vast and stupendous sanitary works which had changed the face of Calcutta.

82. The effect of the proposed changes, however, would be to exalt the Chairman to the position of supreme power in the Corporation,—to transfer all authority from the representatives of the ratepayers to those of Government and the European mercantile community. The Chairman would in fact unite in himself the triune functions of three co-ordinate authorities—he would be the Executive head of the administration, the President of the General Committee and the Chairman of the Commissioners in meeting. He would also

be the Chairman of the numerous Standing and Special Committees. In certain specified matters he was to act subject to the approval or sanction of the Corporation or the General Committee, but he would be immune from the appellate or revisional jurisdiction of the Corporation. Such a system, it was asserted, would be a "mockery of self-government". "Far better would it be to do away with the semblance of a show, and convert the Calcutta Municipality into a Government bureau controlled and directed by the Government."

83. Referring to the record of the Corporation during the regime of elected Commissioners, with justifiable pride, Surendra Nath Banerjea declared that they had completed the drainage and waterworks which had been initiated by the Justices—they had taken in hand the drainage and waterworks of the suburban area—they had reclaimed bustees, filled up foul tanks and had opened out new roads, and he quoted facts and figures, culled from official records and Government Resolutions, to refute the charges against the Commissioners. One or two quotations which he cited are well worth reproducing.

84. Thus, for instance, Mr. Henry Lee, Chairman of the Corporation, had observed as follows in the Administration Report for 1891-92:—

"The most damaging criticism that is commonly levelled against the principle of local self-government in Bengal is that it prevents and obstructs a reasonable outturn of work. *I maintain that the record of the Calcutta Commissioners refutes this criticism.*"

A fuller testimony was recorded in a Resolution of the Government of Sir Antony MacDonnel, dated the 20th November 1893:

"Sir Antony MacDonnell has perused with much interest the report reviewed in the preceding paragraphs; it records the execution of much useful work, especially in the direction of sanitation and of structural improvements, such as the extension of drainage and water-supply and the improvement of bustees, and for their share in carrying out these measures the thanks of the Lieutenant-Governor are due to the Executive Officers of the Corporation, the Engineer and the Health Officer. *The Commissioners themselves have, as a whole, displayed a care and attention to their duties which is very meritorious and has in some cases risen to the level of devotion.*

* * * * *

In executive matters the Lieutenant-Governor perceives an occasional want of vigour, especially in the collection of rates, the enforcement of the law in regard to license fees, and the recovery of expenses from the owners of bustees. But these defects admit of remedy, and on suitable opportunities they will no doubt be remedied. Leaving them out of consideration, Sir Antony MacDonnell very cordially acknowledges the services the Corporation have rendered to the city, and thanks them for the careful control which they have exercised over the various departments of the municipal administration".

85. As already stated, the Bill as originally framed left the number of Commissioners at 75 as under the previous law, with a majority of elected popular representatives (50 against 25). But after the Bill had passed the Select Committee stage, it was left to Lord Curzon's Government to direct a reduction of the number to 50, placing the ward Commissioners numerically on the same footing as the official-cum-European group in the

Corporation, 25 in each category. The number of Government nominees was retained at 15, and that of representatives of the European commercial bodies and the Port authorities at 10. This reduction of popular authority, coupled with the fact that the President of the Corporation was an official, gave a standing majority to the official element, and thus was the officialisation of the Corporation completed.

86. Public feeling was deeply stirred by what was regarded as a most reactionary and retrograde measure, and as a protest 28 of the most influential elected Commissioners of the Corporation, including Surendra Nath Banerjea, resigned their seats in a body, and for some time, the leading Indian citizens abstained from all participation in municipal affairs. Incidentally, it may be mentioned that though the places vacated by those who had resigned were filled almost entirely by the nominees of Government and from among the class of persons they had most desired, it does not appear that there was any marked improvement in the working of the Corporation during the one year and more they were in office.

87. The Bill which, as already stated, had been introduced into the Council in March 1898, was passed in September 1899, and came into force on the 1st April 1900 as the Calcutta Municipal Act, 1899 (Act III of 1899). It remained in operation for a much longer period than any previous Municipal Act for Calcutta. The ordinary life of such an Act did not in the past extend beyond 11 or 12 years. The Act of 1863 was revised in 1876, that of 1876 in 1888 and that of 1888 in 1899. In 1913 Government did in fact take up the question of revision of the Act of 1899, the Chairman of the Corporation, Mr. Payne, being placed on special duty for the purpose. A Bill was also afterwards introduced in 1917, but it was ultimately withdrawn in 1919 at the instance of the Bengal Chamber of Commerce and other public bodies, mainly on the ground that the Montagu-Chelmsford Reforms would soon be in operation, and a question of this magnitude and importance should be left to be dealt with by the Reformed Council.

88. It fell to Sir Surendra Nath Banerjea, as the first Minister-in-charge of Local Self-Government under the Reforms, to undertake this task, and he introduced his great Municipal Bill into the Council on the 22nd November 1921. The main object was, as he explained, to place the municipal system of Calcutta on a line with the newly-inaugurated Reforms. This was in fact the underlying principle which shaped and moulded the provisions of the Bill. Quoting the famous dictum of Gladstone that "municipal institutions are the seed-plots upon which and around which are developed those habits of thought and that temper of mind which constitute the noblest heritage of a nation", he declared that self-governing institutions must form a compact, consistent and harmonious whole, and if the Reforms were to succeed at the top, it was necessary to strengthen the local institutions at the base.

89. Before introducing the measure, Sir Surendra Nath Banerjea had convened a representative Conference of Europeans and Indians, of officials and non-officials, to discuss the constitutional features of the proposed legislation, and the Bill in its main outlines followed the recommendations of the Conference. It provided for the democratisation of the municipal system of Calcutta—the transfer of supreme authority over civic affairs to the representatives of the ratepayers, subject to the necessary safeguards and coupled with fullest justice to all interests.

90. Before advertiring to the constitutional changes introduced by the new measure, reference

may be made to a change which was made in regard to the boundaries of municipal Calcutta. In the Bill as introduced it was proposed to include only a small area in Tollygunge, the sanitary condition of which was so unsatisfactory that the only remedy left was to bring it within the jurisdiction of the Calcutta Corporation and the scope of its sanitary operations. There were further proposals which had been made by the Corporation for the inclusion of a considerable area in the suburbs, consisting of Cossipore-Chitpore, Manicktolla, Garden Reach and some other outlying municipal areas. But Sir Surendra Nath Banerjea would not accept these proposals, if they went wholly and decisively against the wishes of the people concerned. He decided accordingly to appoint a Boundary Commission to ascertain local opinion, and acting on their report, it was ultimately decided to include Cossipore-Chitpore, Manicktolla, Garden Reach and a small area out of Tollygunge in the vicinity of the Corporation Drainage Pumping Station, and the land acquired by the Port Commissioners in the South Suburban Municipality for the extension of the Docks, thus adding about $11\frac{1}{2}$ square miles to an area of $18\frac{1}{2}$ square miles within the boundaries of old Municipal Calcutta, and increasing its population which (excluding the Fort, Maidan, Port and Canals) stood at 1,055,000 by about 69,000. The Corporation was required to pay Rs. 8,000 a year for 10 years to the South Suburban Municipality as compensation for the loss of income from the inclusion of the Dock Extension area in Calcutta, and spend annually, for 10 years beginning from the third year after the commencement of the new Act, a sum of not less than one lakh of rupees on original improvement works in each of the three Municipalities added to Calcutta. Due to the addition of the new areas as well as to a re-adjustment of existing ward-boundaries, the number of wards was raised from 25 to 32.

91. Some of the important constitutional provisions as ultimately adopted by the Council may be now indicated. The first change was as regards the size of the Corporation, which was enlarged by raising the total number of members from 50 to 90. Out of this number, 63 were to be elected as ward representatives, 15 seats being earmarked for Mahomedans—to be returned by exclusive Mahomedan constituencies at the first three elections and by mixed electorates thereafter. The number of institutional representatives was raised from 10 to 12, the Bengal Chamber of Commerce returning 6 members or 2 more, and the Calcutta Trades Association and the Port Commissioners returning 4 and 2 respectively as before. Government nominations were reduced from 15 to 10. This made a total of 55 members, who were now to be called Councillors instead of Commissioners. The remaining 5 were to be elected by the 85 Councillors after each General Election and were to be called Aldermen. This was a new innovation based on English precedent, the object being to provide seats for a few elderly men who would not care to face the trouble and risks of a popular election, but whose presence would still be of value and add dignity to the Corporation.

92. The question of Mahomedan representation in the Corporation gave rise to much bitter controversy. It was admitted that the Mahomedan community had not so far been adequately represented in the municipality. The figures of 12 years from 1910-11 to 1921-22 showed that they never had more than 5 members on the Corporation. Taking into account the voting strength, the rating strength and the numerical strength of the Mahomedan population in proportion to the whole community, the Bill accordingly proposed to reserve 13 seats for them. The question was, whether these seats were to be filled by special

Mahomedan constituencies or by constituencies of a mixed character. The system of mixed electorates was the proposal in the Bill, but ultimately Sir Surendra Nath Banerjea had to accept the compromise embodied in the Act. His personal view all along was that communal representation was "unsound in principle and hurtful in practice", but rather than having to give it a permanent place on the statute book, he accepted a scheme of special Mahomedan constituencies as a transitory arrangement for 9 years only, after which it was automatically to disappear.

93. It was not merely by an increase in the number of elected representatives that the constitution was made democratic. The franchise was lowered, women were made eligible to vote and to stand for elections, and voting by ballot was introduced. Under the previous Act, as already pointed out, the minimum qualification to be a voter was the payment of Rs. 24 to the Corporation for the year immediately preceding the year of election either as consolidated rate or as license tax or both; the minimum was now reduced to Rs. 12. The franchise was previously restricted to owners and occupiers of properties of a certain value and registered as such in the Corporation Assessment registers, and to holders of certain classes of licenses. Under the new Act, any occupier, whether occupying an entire holding or only a part, who paid a rent of Rs. 25 per mensem for at least 6 months during the year preceding the year of the election, and any owner of a hut in a bastee on account of which he had paid not less than Rs. 12 during the said year as consolidated rate, were also enfranchised, the only condition being that both these classes of voters had to get their names entered in special registers kept for the purpose on application to the Executive Officer by a specified date.

94. Another notable change was the abolition of the system of plural voting, under which an elector had votes up to a maximum of 11 in any ward according to valuation of his properties in the ward, which he could either give to any one candidate or distribute amongst the candidates in such manner as he liked. Every elector was now given as many votes as there were Councillors to be elected, but he could not give more than one vote to any one candidate.

95. Perhaps the most striking advance towards a democratic constitution was the abolition of the system of three co-ordinate authorities, namely, the Corporation, the General Committee and the Chairman, all exercising independent jurisdiction within their several spheres, and the restoration to the Corporation of its supreme authority over municipal affairs,—thus reverting in effect to the form of municipal government which had been in force from 1876 to 1899. A signal departure was also made as regards the powers and functions of the Chairman and the manner of his appointment. He was no longer to be the President of the Corporation or of the General Committee, but only to be the principal Executive Officer of the Corporation, with a right to be present at any meeting of the Corporation or of any of its Standing or Special Committees, and take part in its discussions, and also, with the permission of the Mayor or the President of the meeting, as the case might be, to make a statement or explanation of facts, but with no authority in any case to vote upon or make any proposition at such meeting. Except as regards assessment and a few other matters specifically mentioned in the Act, he was to exercise only such authority as might be delegated to him by the Corporation, subject to any conditions and limitations which the Corporation might prescribe, and subject also to control and revision by the Corporation unless otherwise directed by it. The

designation of Chairman was to disappear, and he was henceforth to be called the Chief Executive Officer. The right to appoint him was now vested in the Corporation, subject to the approval of the Local Government.

96. Control of the Local Government was also relaxed to some extent. It was now provided that in the case of only 4 other principal officers, besides the Chief Executive Officer, namely, the Chief Engineer, the Health Officer, and the two Deputy Executive Officers, their appointments, salaries, allowances and conditions of service should require the approval of Government, whereas under the Act of 1899 cases of all officers carrying a salary of more than one thousand rupees per mensem had to be referred to Government for sanction. Further, in the case of works and contracts Government sanction would be now required only in cases involving an expenditure of two and a half lakhs of rupees or more, as against the former limit of one lakh. The power to call for returns or reports, or to depute officers to make inspections or examinations, or to require the Corporation to take action in cases of imperfect or inefficient discharge of its duties, or to take action itself at the cost of the Corporation in case of default, was retained to Government. It should be added, however, that a new power was taken to annul any proceedings of the Corporation which Government did not consider to be in conformity with law, and to do all things necessary to secure such conformity,—a power which was exercised for the first time in June 1934, when the proceedings of the Corporation Meeting for electing the Mayor of the year were annulled.

97. One other important feature of the new constitution which deserves mention was the statutory recognition it gave for the first time to the District Councils, or local Committees of Commissioners, who, under what might be regarded as more or less an informal scheme of decentralisation, used to look after the needs and requirements of particular localities comprising a number of adjoining wards. These Councils had now an official status given to them under the name of District Committees, and were to exercise all such functions, powers or duties of the Corporation as the Corporation might choose to delegate to them in respect of matters affecting the respective districts. They could also deal with any specific matters relating to their local area as the Corporation might refer to them for inquiry and report. Each such Committee was to consist of all the Councillors for the several wards comprised in the district concerned, and might also include any Alderman or other Councillor living within the district and expressing his willingness to serve on the Committee. Sir Surendra Nath Banerjea's hope and idea was that these local Committees would help in the expansion of local self-government, and he fervently desired that the Corporation should confer substantial powers on them. "It seems to me", he said, "that these District Councils will be the centres, the *foci*, the *nuclei* of this expanding movement, something like the boroughs that you have in England, something like the Union Boards that we have in the rural areas. From them as centres the civic spirit will grow and expand, until it includes in its comprehensive sweep the whole of the area from Calcutta to Barrackpore".

98. It is not necessary to touch upon the administrative provisions which were made in the Act of 1923. With one important addition, they substantively reproduced the previous law, subject to such modifications as experience had shown to be necessary. The additional provision referred to was one which vested in the Corporation new powers for the improvement of milk supply, the more effective prevention of food adulteration, and

the controlling and licensing of theatres and places of amusement. These proposals had been embodied in a Bill which the Corporation had submitted to Government to be passed as an emergency measure.

99. The Act of 1923 underwent several amendments from time to time. In 1932, owing to the separation of Garden Reach from Calcutta under Bengal Act III of that year, the number of seats in the General constituencies was reduced by 4, 2 of them out of the seats earmarked for Mahomedans. By another Act of the same year (Act XXIII of 1932) 6 additional seats were allotted to six wards, all of them being reserved for Mahomedans. The total number of ward Councillors thus became 65, of whom 19 were to be Mahomedans.

100. Changes of a more far-reaching character were introduced by the Calcutta Municipal (Amendment) Act, 1939 (Bengal Act XI of 1939). Separate electorates for Mahomedans were restored, and the number of Mahomedan seats was increased from 19 to 22. There was one addition to the number of seats in the General constituencies, of which 4 came to be reserved for the first time for members of the Scheduled Castes. Among Government nominees, whose number was reduced from 10 to 8, 3 again were reserved for Scheduled Castes. Two new special constituencies, Anglo-Indian and Labour, were also created, each of which was to return two Councillors. The total number of elected seats from all constituencies was thus enlarged from 77 to 85. Including 5 Aldermen, whose number remained the same as before, and the Councillors nominated by Government, the total strength of the Corporation became 98.

101. Further constitutional changes were made in 1947 by the Government of West Bengal under West Bengal Act I of 1947, but it is not necessary to refer to these provisions at length, as the first election to be held thereunder was countermanded by Government, and the Corporation subsequently superseded. The principal features of this new legislation were the complete elimination of Government nomination and the abolition of separate communal electorates,—reservation of seats for the Scheduled Castes as well as for Mahomedan and Anglo-Indian communities being, however, retained. The list of special non-territorial constituencies was varied by including representation of the interests of Indian trade and commerce. The total number of Councillors, excluding 5 Aldermen, was raised to 96, of which one was to be the Chairman of the Calcutta Improvement Trust *ex-officio*, and the rest all elected.

102. The Calcutta Municipal Act, 1923, which was passed on the 7th March 1923, came into force on the 1st April 1924, and has now been in operation for over 25 years—longer than the Act it had replaced. It will be the duty of the Commission to investigate its working, but there can be no doubt that its revision is long overdue, and it is time that a new comprehensive measure was enacted, fully in keeping with the advanced and advancing democratic ideals of the day. It might be asked: Has not democracy failed? and does not the principle of local self-government stand discredited? We shall attempt an answer in the next chapter. There is only one warning which it is necessary to give. As has been well said, we may be often too apt to conceive of the problem primarily in terms, not of popular self-government, but of administrative efficiency. Such efficiency is, of course, highly important; but the aim should be not to give it primacy over democracy, but to reconcile it with democracy, and to make local government much more than it is today interesting and near to the ordinary citizens.

CHAPTER III.

Elections.

103. Local self-government in this country has been a gift from her British rulers, and not unnaturally, has its growth and development been shaped and moulded by British precedent. So far as Calcutta is concerned, as the historical account given in the previous chapter will show, almost every attempt to reconstruct its municipal system has been influenced by ideas and principles borrowed or adapted from English self-governing institutions. The present structure of the Calcutta Corporation is in fact in many respects based on the London model.

104. In England, almost from the beginning of her history, has the administration of local affairs been a function of the local people, and developed side by side with the development of the State. A vigorous system of local self-government has in fact been regarded as the chief corner-stone of political freedom. It may be that a local authority only performs on behalf of the State certain local functions which the State itself does not exercise. In other words, local government is merely an instrument in carrying out the policy of the State for providing social services. Whether it acts as agent or as partner of the State, or more or less as both, the essential fact is that the ultimate control of local government lies in the hands of the citizens, and the most effective way for the citizens to exercise their control is to act through their elected representatives. That has been the time-honoured practice and tradition in England from even before the municipal revolution of 1835, when the Municipal Corporations Act of that year laid the basis of municipal democracy as it now exists.

105. This is the principle to which Sir Richard Temple was the first to give recognition, if only limited, in the municipal government of Calcutta, and for an extension of which there was an insistent demand not only then, but at every successive revision of the constitution. The demand, as we have seen, met with no response, and at one stage Authority interposed practically to sabotage its operation by reducing popular representation to a position of standing minority. The principle nevertheless survived all opposition till in 1923 it was not only re-affirmed, but re-established on a firmer and wider basis by Sir Surendra Nath Banerjea. Have the results justified this great act of faith?

106. The Commissioners have given the matter their anxious consideration. Corporation administration has undoubtedly suffered, and suffered to an appalling extent. But the Commissioners believe that the democratic principle still remains unchallenged and unchallengeable. The drawback perhaps lay in the very cautious advance to democracy which had been made under the constitution. With all his burning zeal to democratise the Corporation, Sir Surendra Nath Banerjea was not able to enfranchise even 8 per cent. of the population, dwindling down to less than 4 per cent. in later years. The electorate was in fact too limited to allow of the return of candidates who could be regarded as real representatives of the people, and this is what made it possible for certain types of persons or groups of persons to capture the majority of seats, not with a desire to serve the people, but only to serve their own interests.

107. It is hardly to be wondered at that these people on getting returned created a vicious circle within the Corporation. Their first attempt was to establish complete mastery over the Executive, reducing them almost to a state of abject servility.

Had not the constitution vested supreme authority in the Corporation, and did it not provide that in delegating their powers to the Executive, the Corporation might impose any conditions and limitations, and did it not also give them unfettered powers of control and revision (section 12)? These were of course, as we know, no more than the usual safeguards to be found in almost every system of municipal democracy, and were meant merely to be a reserve of power in the hands of the supreme authority of which judicious and sparing use was to be made to check abuse and extravagance. They were and could never be intended to reduce to practical nullity the other provision in the statute (section 52), making the Chief Executive Officer the head of the executive administration, and all other officers and servants subordinate to him. Still this was the result which these Councillors sought to, and did achieve, wantonly violating the spirit of the constitution, if not its letter. The next step was an easy and almost inevitable sequel,—their making the fullest use of the powers so acquired over the Executive to control the whole of the electoral machinery at the time of the elections and turn it to their own account, thus ensuring the return of a stereotyped set of Councillors from term to term.

108. Grave as has been the evil and far-reaching its effect, the Commissioners are not yet satisfied that the remedy, in so far as it depends on the form of government, lies at all in weakening or limiting the scope of the democratic character of the constitution. With an American Mayor, the Commissioners believe that "*the cure for all the ills which cities suffer is not, as many suppose, less democracy, but more democracy*". As Sir Surendra Nath Banerjea also put it in his own picturesque language: "the divine gift of self-government has in it the seeds of its own self-preservation and self-correction". Let the electorate be enlarged, and let a fair and independent machinery be set up for the control and conduct of elections. These two things alone will usher in a better order of things.

109. We propose first to deal with the question of the electoral machinery. As already indicated in the introductory chapter, unlike the previous Municipal Acts, the statute of 1923 did not specifically make the Chief Executive Officer the Election Authority, but left all matters relating to the preparation and publication of the electoral rolls and the conduct of the elections to be regulated by rules which the Provincial Government were authorised to frame in this behalf. Strictly speaking, therefore, on the procedural side, elections did not form a problem of Corporation administration at all. In point of fact, however, it appears that at every election of Councillors held under the Act, the Chief Executive Officer was appointed by Government as the Registering Authority for preparing and publishing the electoral rolls, and he was also made the Election Officer for the conduct of the elections, with power to appoint Returning Officers, Presiding Officers and Polling Officers, who were invariably all Corporation employees. The Chief Executive Officer in fact appointed the whole of the electioneering staff. Revising authorities whose duty it was to check the preliminary electoral rolls and hear claims and objections were recruited from outside, but their appointment was in the hands of the Chief Executive Officer in his capacity as the Registering Authority.

110. With an electoral machinery so completely manned and controlled by the Corporation Executive, it was not very difficult for Councillors who could manipulate the Executive to manipulate the elections as well. Elaborate rules and regulations exist in every system to ensure the proper running of elections, but they are generally

directed against acts of omission and commission on the part of candidates or their agents or persons acting with their connivance. They give little or no protection against the machinations of those who have the conduct of elections in their hands.

111. In the Corporation, at every stage of the electoral process, right from the time when the first steps were taken for the preparation of the preliminary electoral rolls down to the final declaration of the results, there was in fact unlimited scope for the Executive, if they were so minded, to tip the scales heavily in favour of candidates whom they preferred. It would perhaps be useful at this stage to give a general idea of the various malpractices in connection with Corporation elections, which might to a large extent be traced to the Executive. They began at the earliest stage when steps were taken for the preparation of the preliminary electoral roll, and attempt was made to procure the fraudulent inclusion of fictitious voters and exclusion of qualified voters in and from the roll.

112. The Act, as we have seen, contemplates three classes of voters—payers of rates and taxes, tenant-voters, and hut-owners in bustees. They are specified in clauses (a), (b) and (c) of section 20, sub-section (1) of the Act, and may be referred to as "A" class, "B" class and "C" class voters, respectively. "A" class voters are entered in the preliminary electoral rolls from the Corporation Assessment records. *Prima facie* there ought not to be any improper inclusion or exclusion of names in respect of this category of electors. Wilful exclusion of names in individual interest was, however, fairly common. Manipulation was successfully attempted on a much larger scale in the matter of representation of joint families qualified as such voters. A joint family, like a company, body corporate, firm or other association of individuals, is not entitled to be registered in its own name in the electoral roll, but may obtain the registration of the name of one of its members as its representative. In the absence, however, of a statutory provision for giving notice to joint families inviting nomination of representatives under this rule, it was possible for the Corporation Executive to drop, and they did drop, the practice of giving such notices which had been in vogue at the earlier elections, and thereby they helped in getting fraudulent entries of representative voters to suit the interests of favoured candidates.

113. In respect of the other two categories, particularly of "B" class voters, the scope of manipulation was much greater, and it was here that the Corporation Executive played an important role. The inclusion of such voters in the electoral roll was wholly dependent on the reports of the inspectors and supervisors of the Election Department on the applications for preliminary registration of their names in the special registers. Apart from the fact that it was a common practice for candidates themselves to procure such applications, and file them in hundreds at the very last moment, and possibly even later, no check of such applications was attempted by reference to available Corporation records. The Assessment Registers, as pointed out by the Department, might not give the names of all the occupiers of a particular holding, but would indicate a multiple tenancy by a single name followed by the words "and others". It might also be that the details regarding individual tenants to be found in what are known as "Inspection Books" would be sometimes out of date at the time of preparation of the electoral rolls. All the same, as the department was forced to admit, the Assessment Registers and the Inspection Books might have proved to be a very

useful check in many cases. They would certainly have disclosed the discrepancy where it existed between the total rent of any premises as entered in these records and the sum-total of the rents supposed to have been paid by the tenants applying for registration as stated in their applications. In such a case, a special scrutiny was certainly called for, which should have resulted either in the cancellation of names from the register or in steps being taken to enhance the valuation under section 146(1)(c) of the Act on the ground of misrepresentation and fraud. The possibility or threat of such enhancement might itself have proved an effective deterrent in many cases to the putting in of fraudulent applications for registration, but no such action appears to have been taken in a single instance at any time.

114. Next to the preparation and publication of the preliminary electoral roll came the stage of revision when additions and alterations were made therein, either as a result of claims and objections preferred by individual parties or upon reference made by the Registering Authority for making corrections. The whole idea was to get as correct and complete a final electoral roll as possible, and if it could be claimed that the work of the Revising Authorities had been properly done, without fear or favour, or without unnecessary impediments being placed in their way, the existence of errors, fraudulent or otherwise, in the preliminary roll would not have been of much consequence.

115. The Election Rules very properly provide that the Revising Authorities, who are really expected to sit in judgment over the work of the Corporation Executive, must not be any Councillors or Aldermen or officers or servants of the Corporation, but at all the elections so far held, the Revising Authorities had in fact been appointed by the Chief Executive Officer acting as the Registering Authority, with merely the formal approval of the Provincial Government, and it would hardly be incorrect to state that in the Chief Executive Officers selections were in many cases influenced by Councillors who had evidently found it to their interest to have Revising Authorities of their choice in their respective constituencies. So great indeed was the value attached by Councillors to the services they expected to get out of these officers that some of them are reported even to have gone down on bended knees before the Chief Executive Officer to procure the assignment of particular Revising Authorities in particular wards. Rules had no doubt been framed by the Provincial Government to regulate the procedure to be followed by Revising Authorities in disposing of claims and objections, but the enforcement of these rules with uniform strictness in all cases rested entirely in their hands, and there was hardly a remedy if, willingly or unwillingly, they allowed themselves to be tools in the hands of candidates or of their friends in the department. Not without reason, therefore, has it been stated to us that in actual practice the revision instead of improving the preliminary roll might well have made it worse.

116. The next stage was the actual taking of the poll, and here again, as has been stated, those who had contacts with the Corporation Executive scored many points over their rivals. They got Returning Officers, Presiding Officers, Polling Officers and other subordinate personnel of their choice; they had often a hand even in the selection of suitable sites for polling booths, and otherwise gained many minor advantages which often made a difference between winning and losing a contested election. False personation was extensively resorted to at these elections, and the common complaint was that such cases were not dealt with with uniform strictness, and it was mainly

the favoured candidates who got the advantage of false personation. The same lack of impartiality is said to have been shown by the polling authorities in dealing with cases of "tendered votes", and it was not an unusual experience for even well-known persons to have been turned away from the polling booth on the ground that their votes had already been recorded. Again, in the case of illiterate voters, whose number was not inconsiderable, and who were unable to make a mark themselves, the marking of their votes by the Presiding or Polling Officers was reported to have been not always above suspicion, the common belief being that votes were marked not according to the directions of the voters, but to suit the interests of particular candidates. Cases were also not unknown where the authorities had failed to take due steps to check rowdyism at polling centres, even when such rowdyism had evidently been engineered by interested parties to prevent the entry of voters of rival candidates into the booth.

117. The final stage was reached when the counting of votes took place after the election. Here, again, we have the testimony of a retired Chief Executive Officer that there was sometimes deliberate miscount of votes by Returning Officers in favour of particular candidates, and candidates who had really won on the strength of votes cast in their favour were declared to have lost the election.

118. So long and to such an extent in fact were Corporation elections thus manœuvred and manipulated by an unholy alliance between sitting Councillors and the Corporation Executive that it is not surprising that witness after witness, either deposing in person or submitting memoranda before the Commission, with one voice urged the taking away of the direction and control of elections wholly from the Corporation. We cannot say that the demand is without justification.

119. The demand might well be met within the frame-work of the existing constitution under the election rules framed by the Provincial Government, as all that would have to be done is for the Provincial Government just not to appoint the Chief Executive Officer of the Corporation, but some other functionary, as the Registering Authority and the Election Officer. We think, however, that the better plan would be not to leave the matter to be dealt with by the Provincial Government under the rules. In our opinion, provision should be made in the Act itself for setting up a special machinery for the superintendence, direction and control of Corporation elections at all stages, which shall be independent alike of the Corporation and the Provincial Government.

120. We attach a great deal of importance to this proposal. We consider it to be very necessary, particularly in view of the unhappy experiences of the past, that the agency for the conduct of the elections must be so constituted as to inspire public confidence, so that men with no axe to grind, but possessed of a genuine sense of civic duty may be encouraged to stand, and real representatives of the people have a chance of coming in, and the Corporation may not be filled, term after term, with the same set of Councillors to whom the office of a Councillor is often only an office of profit.

121. Some witnesses have suggested that Government should take over the electoral machinery and work it by their own agency, but the objection is that Government may not be above party politics and above the suspicion of a desire to influence the elections in party interests. The dominance of political parties in the Corporation might be no less a danger than cliques or caucuses for personal

gain. In trying to avoid one danger, we are anxious to avoid the risk of falling into a danger of another kind. The fact that the authority we are going to suggest will be set up by Government need not at all detract from its independence or impartiality, if and so long as its constitution is sound and guaranteed by the statute. If desired, the Governor of the Province may be made the appointing authority.

122. In our opinion, the body we propose, which may be designated as the Calcutta Corporation Election Commission, should be composed of men about whose integrity or independence there can be no suspicion, and who will at the same time be men of capacity, able and willing to devote time and attention to the performance of their duties which will be no less arduous than responsible. We suggest for consideration of Government a constitution of not less than three members who may be selected out of some such panel as we set out below:—

- (1) Chairman, West Bengal Public Services Commission;
- (2) Chairman, Calcutta Municipal Public Services Commission;
- (3) A nominee of the Provincial Government who shall be or has been a judicial officer of not less than ten years' standing and not below the rank of a District Judge;
- (4) A nominee of the Provincial Governor who shall be a representative of trade, commerce or industry, or a distinguished citizen of Calcutta from any other walk of life.

None of the members of the Commission shall be a Councillor, officer or servant of the Corporation, or otherwise have any connection with that body.

123. The Commission shall have power to make provision with respect to all matters relating to or in connection with Corporation elections. They shall appoint the whole of the electioneering staff, and exercise all the powers which are at present exercised by the Provincial Government under the Act and by the Registering Authority and the Election Officer under rules framed thereunder (sections 25 and 30).

The statute shall provide that the Commission may require the Corporation or any of its officers or servants to produce any records or documents and furnish any return, report or information, and the Corporation or such officer or servant shall be bound to comply with such requisition without delay. The Corporation staff shall otherwise render the Commission all assistance in the discharge of their duties.

The Commission and their officers and servants shall have access to, and the right to inspect and obtain copies of, all Corporation records and documents, and may, if necessary, use any portion of the Corporation premises for carrying on their work.

No employee of the Corporation shall be appointed to the electioneering staff, but the Commission may requisition the services of any Corporation employee for a specific purpose.

124. We recognise that if the present basis of municipal franchise is retained, Corporation records will have to be under constant reference in the preparation of the electoral rolls, and the Corporation Executive will normally be indicated as the most appropriate election authority. But for reasons already explained, such an arrangement must be definitely ruled out. Any administrative difficulties under the new arrangement will, we hope, be easily solved by complete co-ordination

between the suggested authority and the Corporation staff. Should it, however, be decided to introduce adult franchise, as we recommend, the question of having to rely on Corporation records will be greatly minimised.

125. We have considered whether the Commission should not also be empowered to appoint Election Tribunals for the decision of doubts and disputes arising out of or in connection with elections, and are of opinion that this should be done. The existing provisions for the exercise of jurisdiction in this behalf by the High Court should be repealed. Experience has shown that proceedings in the High Court are unduly dilatory and expensive. The Election Tribunals should be vested with all the powers of the High Court in connection with election disputes.

126. We fully believe that the new electoral machinery we have recommended will go a long way in eliminating the abuses which have been the concomitants of Corporation elections, and will likewise help in securing the return of a better type of Councillors who would now feel encouraged to stand in full assurance of a free and fair contest. Enlargement of the electorate is another factor which also cannot but have a determining influence towards the same end, and to this question we shall now address ourselves.

CHAPTER IV.

Elections (continued)—Franchise.

127. As we have already indicated, the present Calcutta Municipal Act might have given self-government to the Corporation, but it would be a misnomer to call it representative government, or government representing anything like a fair cross-section of the community. And yet it is the trend of modern opinion almost all over the world that if municipal democracy is to function effectively and render all the services which local government is expected to render, it must be on the basis of such an expanded constitution.

128. The Commission has had little difficulty in coming to the conclusion that the electorates of the Calcutta Corporation must be enlarged and that substantially, but it has not been quite so easy to determine the extent to which this should be done, or to put the question in a more precise form, whether it should be on the basis of adult franchise or of anything short of adult franchise. At one stage, opinion among the Commissioners was divided, and it cost them a good deal of time and discussion to arrive at their ultimate decision which will be found embodied in the proposals hereinafter set out.

129. We should like, first of all, to invite attention to the existing state of things under which the electorates are small, but the electoral areas are large. We have given five Tables in Appendix I to this report, the first three of which show, ward by ward, the total number of electors in the territorial constituencies at each of the last seven general elections held up to the year 1944, as against the total population as it stood at the census next preceding the elections. The census figures are those of the years 1921, 1931 and 1941. Tables IV and V relate to the election of 1944, and the population figures therein are those of the census of 1941. Table IV shows not only the population and the total number of electors, but also the area of each ward and the electors classified according to constituencies—(a) General, (b) Mahomedan, (c) Anglo-Indian, and (d) Labour,—a Mahomedan constituency consisting of a group of

wards, and the constituencies for Anglo-Indians and Labour being in each case the whole of Calcutta. The percentage of the total population represented by the number of voters is also given in Table IV, ward by ward. Table V is concerned with showing the number and percentage of electors attending the poll, both for the General and the Mahomedan constituencies. There was no poll in the Anglo-Indian constituency in 1944, while the figures in the Labour constituency are given as a footnote.

130. Two things are noticeable from the Tables: first, the number of electors, though showing some variations from one year to another, still failing to keep pace with the growth of population; and secondly, the low and dwindling percentage of the population registered in the electoral roll. The following summary exhibits at a glance the number of electors at the different elections as against the population according to the ruling census figures:

Year of election.	Number of electors.	Population.
1924	.. .. 69,680	885,815
1927	.. .. 67,079	885,815
1930	.. .. 64,231	885,815
1933	.. .. 67,615	1,123,790
1936	.. .. 78,691	1,123,790
1940	.. .. 72,068	1,123,790
1944	.. .. 69,264 (excluding Labour).	2,070,619
1944	.. .. 98,139 (including Labour).	2,070,619
Year of census.		Population.
1921	.. .. ..	885,815
1921	.. .. ..	885,815
1921	.. .. ..	885,815
1931	.. .. ..	1,123,790
1931	.. .. ..	1,123,790
1931	.. .. ..	1,123,790
1941	.. .. ..	2,070,619
1941	.. .. ..	2,070,619

Upon these figures, the percentage of population on the electoral roll at the first election in 1924 was only about 7·86, and finally dropped in 1944, the year of the last election, to 3·36 or 4·45, according as the calculation was made, excluding or including the Labour constituency which first came into existence in that year. Thus, in 1944, taking even the higher figure, not even five out of every hundred persons in the city had any voice in its administration, and out of 98,139 eligible voters, again, it may be added, only 46,333 or less than half actually cast their votes.

131. In the opinion of the Commission, the only explanation for this striking disproportion between the population and the number of electors must be found in the restricted character of the franchise, and there can be no question that if the Corporation is to be brought under anything like popular control, and saved from the disaster of being the close preserve of a few who do not hesitate to sacrifice the interest of the many, this state of things will have to be put an end to, and the electorate enlarged so as to reflect in a fairer and more effective measure the strength of the population. Democracy must be made a reality as far as possible, replacing the shadow by the substance.

132. We may refer at once to a note submitted by the present Administrative Officer of the Corporation, Sri S. N. Ray, embodying his suggestions for extension of the franchise. The note is

Appendix II to this report. Sri Ray would, in effect, lower the qualifications under section 20(1) of the Calcutta Municipal Act, 1923, (i) by lowering the figure for rate, tax or fee that qualifies for a vote from Rs. 12 to Rs. 4, (ii) by reducing the rent of Rs. 25 per month to Rs. 12 per month for tenant-voters, (iii) by giving votes to sub-tenants who pay as rent at least Rs. 12 per month, (iv) by reducing the rate of Rs. 12 to Rs. 4 per annum for hut-owners, and (v) by giving votes to occupiers of huts in a bustee paying at least Rs. 8 per month to the hut-owners as rent; and except in the case of hut-occupiers and sub-tenants, he would abolish the present requirement that tenants and hut-owners must, on their own application, be registered by the Executive Officer before they would be entitled to be enrolled as voters. Sri Ray estimates that the reduced qualifications he proposes would sufficiently extend the franchise and give a vote to 582,000 people. He would also give a vote to every graduate who had resided in Calcutta for one year last preceding the year of election.

133. Sri Ray's idea is that tenants and sub-tenants under section 20(1)(b), amended as proposed, would number three lakhs, and the total electorate, on his proposals, would be in the neighbourhood of six lakhs, instead of one lakh as now. He is opposed to the immediate introduction of adult franchise for Corporation elections, although he admits that this should be the ultimate "desideratum". The reason for stopping short of adult franchise is thus stated: "The present uncertainty in politics is not likely to produce the best type of Councillors on the basis of adult franchise". He adds that the enormous floating population who enjoy the amenities, but contribute nothing to the coffers of the city should not be given votes. He also points out that buffalo *khatals* all over the city are "a standing disgrace". "The owners and occupiers of these *khatals* actively contribute to make the city unclean and are all the time breaking the Municipal Law, and yet under adult franchise they will have a say as to who should represent them. It is not likely that they would vote for a type of persons who will enforce the Municipal Laws against them, and the same is true of the large number of unauthorised hawkers of disposal goods and fruits who obstruct the footpaths and thereby commit breaches of the law".

134. The Commissioners have considered Sri Ray's note with the care and attention which are due to the views of an officer of his authority and experience, but find it difficult to agree with his conclusions. In the first place, they are not sure that his figures are not on the high side, and not likely to fall far below his estimate. Despite the Rent Control Acts, rents in Calcutta have risen very high, and it is extremely doubtful if Rs. 12 as monthly rent, instead of Rs. 25, will increase the number of tenant-voters under clause (b) from the present figure of 4,155 to 300,000, even if registration by the Chief Executive Officer is dispensed with, and sub-tenants as a new class of voters be added. The extended franchise proposed by Sri Ray would certainly go some way, but the Commissioners do not think it would go as far as six lakhs. In any case, on what ground is it proposed to exclude the rest? As will be pointed out later, the total adult population of Calcutta qualified by a year's residence would be somewhere near 12 lakhs, and some cogent reason must be given for excluding a majority of them from the franchise other than absence or deficiency of property qualification.

135. This takes us to the question of adult franchise which Sri Ray would not recommend at present. That there are people "who are all the time breaking the Municipal Law", and that adult franchise would give them votes, may at once be conceded, but in the opinion of the Commissioners,

this cannot be an argument against adult franchise. In the first place, such people do not form a homogeneous group or class, and could hardly, therefore, be expected to run or to be able to return Councillors who would be all friends of wrong-doers. They would not find it possible to exercise any collective, and therefore effective, influence on the results of the elections. Secondly, Sri Ray's proposed qualifications which, it is supposed, would keep these persons out, do not by any means constitute such a bar as they could not easily surmount. Thirdly, habitual breach of municipal regulations, though it might properly be a ground for exclusion from the vote in individual cases, could hardly be made a ground for ruling out adult franchise as a basis of election. Individual disqualification for a vote on such a ground, if at all enforced, should not merely hit keepers of unauthorised buffalo *khatals* or unauthorised hawkers of goods who obstruct the footpaths, but have a much wider application and apply to all breakers of municipal law, whatsoever their rank or station in life, and whether they break the Building Regulations or any other Regulations of the Municipality.

136. Coming to the other reason given on the ground of "the present uncertainty in politics", which, it is said, is not likely to produce the best type of Councillors on the basis of adult franchise, it is not very clear what exactly Sri Ray means. We do not suppose he will claim that even in days when politics were not so "uncertain", whatever that expression may signify, and elections were not held on the basis of adult franchise, the "best type of Councillors" were invariably returned to the Corporation. Nor do we think he will suggest that political opinion should disqualify a person for a vote, or that local elections must necessarily be on a non-party basis. In a democracy, parties arise out of a welter of differing opinions, principles and interests, and projection of political parties into local government has sometimes been held to be not only inevitable but desirable, on the ground that little or nothing can be achieved except by a party held together, under leadership, by certain principles. Candidates at municipal elections, therefore, might well bear party labels. Parties may in fact serve a variety of useful purposes in every democratic assembly, be it central, provincial or local. Party politics in municipal life are apt to be a public nuisance only when they are linked up with matters which have no bearing on the legitimate work of the Council.

137. Sri Ray's objections are evidently not against the entry of parties as such into the Municipal Council, but his apprehension is probably about a possible invasion of the Corporation by a political party which does not loyally accept the constitution, but perhaps with foreign affinities, is wedded to a policy directed against property, if not life. Such a party gets into a Council to destroy it, and not to make the best of it, by pooling political power given by the ballot. If there be such a party, it should be kept out of every popular assembly under the Indian Constitution, but neither at the Centre nor in the Provinces, so far as we know, is it proposed to shut them out. We expect that such a party will not have general support at a municipal election based on universal adult suffrage, unless they pledge themselves to true and faithful service of the city.

138. Incidentally, it is worth recalling, as William A. Robson reminds us in his *Government and Misgovernance of London*, that even in England, conservative politicians did not hesitate to link municipal politics with national party alignments. On 7th November 1894, Lord Salisbury, then Prime Minister, speaking at a meeting of the Metropolitan Union of Conservative

and Unionist Associations, made a violent attack on the London County Council, denouncing it as "the place where Collectivist and Socialistic experiments are tried * * * a place where the new revolutionary spirit finds its instruments and collects its arms". This was an occasion on which the London County Council was definitely made an arena of political party conflict.

139. As for the complaint that there is a large floating population in Calcutta who enjoy the amenities of the city, but do not contribute to the municipal coffer, one fails to see what bearing this necessarily has on the question of franchise. That may found a case for taxing these people or making them pay for the services they get out of the Municipality, but if for practical difficulties or on other grounds this cannot be done, they will certainly go on enjoying the amenities free, and you cannot stop their doing so merely by denying them the vote, though such denial might perhaps give some satisfaction regarded as a penalty. At this time of the day, we do not think Sri Ray will stand up for the long out-moded doctrine of no taxation, no representation.

140. This raises the basic question—what should be the governing principle in determining the electoral franchise? Suffrage is no longer to be regarded as a natural or inherent right of every adult citizen: the better and more generally accepted view now is to look upon it as a privilege conferred upon the voter for the benefit of the community. Leaving aside for the moment the question whether the franchise should be made the same for state and municipal elections, the test for determining the qualification for a vote should, therefore, be whether or not the voter has a sufficient stake or is sufficiently interested in the city and its good government to give rise to the presumption that he will use the vote for the furtherance of the city's welfare. Possession of property of a certain value or payment of a certain amount as tax or fee is usually accepted as the criterion of such interest or stake, but should that be the sole criterion? Can it not be said that a *bona fide* resident who does not pay a tax may have as much interest in the city,—in its health, sanitation, drainage, water-supply and in all the other services which go to make up a clean and healthy city,—as the person who pays a tax, but does not recognise any further the obligations which rest on him as a citizen? If the controlling influence of public opinion is, as it is now generally regarded to be, an essential factor in the system of local government, will it be assuming too much to say that the mere resident may as effectively contribute towards the making and moulding of that opinion as the richest of tax-payers? The figures for the municipal elections in Calcutta showing the percentage of voters who took the trouble to go to the poll ought to be enough to show the extent of interest which the propertied or the tax-paying section of the community took in its civic affairs. Would adult franchise, we ask, produce a worse or even an equally depressing record? It is the conviction of the Commissioners, born of the experience of places where adult franchise has been tried in local elections, that hardly could a more effective method be devised to shake the public out of their prevailing apathy and indifference about local government.

141. In one sense it may be said that the germ of adult franchise was laid in the constitution of the Calcutta Corporation when under the Act of 1923 the system of plural voting was abolished and the rule of one-man-one-vote introduced in its place. The adoption of this democratic rule meant in fact the definite abandonment of the principle that those who contribute most to the maintenance of the Municipality should have a more potent voice

in electing the governing body,—a principle on which, as we have seen, the Mackenzie Act had based its scheme of representation. From one point of view, it might perhaps be argued that it is only if every ratepayer had a vote, and the poor would, therefore, always outnumber the richer classes, that the latter might fairly claim the privilege of plural votes to redress the balance. But that would hardly be a correct way of looking at the matter. Plural voting rests on the principle which makes taxation the basis of representation, so that the higher the taxation, the larger should be the share in the representation. It is true that the one-man-one-vote rule adopted in 1923 had still as its basis the payment of a rate or tax or fee as a necessary qualification, but the extension of the principle to include residential qualification is only a logical development.

142. In determining the question of suffrage for municipal elections, it will not do for us to forget that adult franchise has been adopted by the Constitution of India as the basis for elections, both to the Central and the Provincial Legislatures. It may be that the activities of local government may be regarded as, in one sense, more limited, and in another, more extensive, than the functions of the State, but looking at the matter from a broad point of view, it seems to the Commissioners that popular control is as much necessary or desirable in the one case as in the other, and if our municipal institutions are, in the words of John Stuart Mill, to possess the character of "representative sub-parliaments for local affairs", there is no reason why they should not have the same democratic basis as Parliamentary legislatures. The general rule and the practice in most States in America today is that the qualifications for voting in State and Municipal elections are the same. In England, until 1945, there was one set of qualifications for parliamentary voters and another for municipal voters, but a change was made by the Representation of the People Act of that year, when the franchise for local government voters, which had in effect been formerly confined to adult *ratepayers* and their spouses, was made the same as the Parliamentary franchise,—all men and women over the age of 21 who had resided in the district for at least two months being entitled to be put on the register.

143. A quotation from the Report of the Delhi Municipal Organisation Inquiry Committee, 1947, may be found interesting:—

"69. *Qualifications of voters.*—There is overwhelming support to the view that all adults of 21 years of age and above should be eligible to vote. Those who do not subscribe to this view consider that in view of the great illiteracy that prevails in this country, it would not be wise to enfranchise persons who do not know how to read and write. Education, it is argued, is the indispensable basis of enlightened participation by a citizen in the activities of democratic Government. Some would continue the qualifications now prescribed for a voter in the Delhi Municipal area. We do not agree. *If adult franchise is good enough for elections to the Provincial and Federal Legislature under the Constitution, there can be no possible objection to its introduction in the Delhi urban area for elections to the proposed Corporation.* We have no doubt that the average voter for the Corporation knows what he wants in so far as the services for which the Municipal administration is responsible are concerned, and he can, we think, be trusted to exercise his vote properly".

144. The Bombay Corporation has recently extended the franchise for ward elections. The qualification required under section 11 of the City

of Bombay Municipal Act, as now amended, is (1) residence in a dwelling house in a city for a minimum period of one year before the 1st of February in the year of enrolment, or (2) occupation for a similar period of business premises in the city of an annual value of Rs. 60 at least, or (3) ownership of immovable property in the city assessed to tax under the Bombay Municipal Act. It will be seen that the franchise in Bombay is short of adult franchise only in that residence in the city for a minimum period of one year, and *that in a dwelling house*, is insisted on. The provision automatically excludes the floating population. Like London, though on a smaller scale, Bombay, as is well known, exerts "a centripetal force by day and a centrifugal force at night": "a huge army of workers invades the offices and shops, the factories and docks, on each week-day morning; and retreats every evening to the ever-expanding mass of suburban settlements". The same phenomenon also takes place in Calcutta, and Sri Ray need have no doubt that even on adult franchise the whole of this huge tide of population may be easily excluded.

145. A common objection to the introduction of adult franchise is that it will fail to secure the return of men of high intellectual calibre or breadth of view, such as the increasing complexity and importance of municipal functions demand. It is said that the majority of electors under adult franchise would be incapable of exercising their votes intelligently or with a due sense of responsibility. The Commissioners do not believe that this will be the case. There is no guarantee that a property qualification or a tax-paying qualification will necessarily put the suffrage in the hands of an intelligent and thinking class of persons. Actual experience under the existing system does not encourage such a view. A literacy or educational test is also not likely to produce better results. Even in advanced countries literacy tests have not been a success, apart from the fact that they have not been found easy of application. It is now accepted as a correct principle that people in general, particularly in urban areas, with their association with one another, derive sufficient education in modern times to understand the nature of voting in municipal and other elections. In England political power has always rested with the masses, but the masses have not failed to elect men of first-rate education and intelligence as their representatives in Parliament, and it does not appear that the experience of municipal elections there since 1945 has been different. It is the ultimate justification of democracy that it does not keep the common man perpetually in leading strings, but teaches him in the school of experience to work out his own salvation. In any case, the Commissioners are not prepared to condemn adult franchise as a basis of municipal elections before giving the system a fair trial.

146. After mature reflection the Commissioners have come to the conclusion that the franchise for election to the Corporation of Calcutta should be extended as follows:—

- Every person, male or female, who has attained the age of 21 years on a specified date shall be qualified as an elector in a constituency—
 (1) if for a period of one year up to the specified date he or she has resided in a dwelling in the city; or
 (2) if he or she being liable to pay, has paid to the Corporation any rate, tax or fee imposed under the Calcutta Municipal Act in the year next before the year of election.

Either qualification, it will be seen, indicates a tie with or interest in the city. The requirement of residence in a dwelling house will exclude the floating population as well as casual visitors to Calcutta and people who sleep on pavements and

waste lands. Owners of immovable property, who are non-resident, will have a vote as ratepayers. Owners of premises exempted from payment of the consolidated rate, that is to say, persons in the position of trustees, will have no vote unless they acquire it by residence for the qualifying period. It is intended that residence in any part of the city, or payment of any rate or tax or fee, liability for which accrues in any part of the city, should qualify a person for enrolment as an elector in any constituency, but there should be a provision that no one should be enrolled as a voter in more than one constituency or ward.

147. The proposed extension of the franchise will have the effect of multiplying the existing number of electors several times over. It is difficult to ascertain with certainty the present total population of Calcutta. All sorts of wild guesses are current. The census of 1941 showed a population of 2,108,891, but as was explained by the Government of West Bengal in a Press Note, issued in February 1949, no calculation of the total adult population could be made on the basis of this figure, for (i) Calcutta figures of 1921, 1931 and 1941 had widely varied, and (ii) tremendous changes had taken place in the population of Calcutta from 1946 onwards, particularly because of the influx of refugees. The only reasonable basis for estimating the present population in the municipal area of Calcutta would be the number of ration cards issued by the Civil Supplies Department. On the 17th November 1948, the number was 2,993,436, as reported to us by the Director, Provincial Statistical Bureau. The figure as given in the Press Note was about 32 lakhs. Making due allowance for the number of spurious ration cards and on a probable estimate of the percentage of adults, the total adult population of Calcutta was estimated to be 16½ lakhs in 1949. Deducting from this the floating adult population, estimated to be about one lakh, the figure would come down to 15½ lakhs. According to the enumeration of voters which had been made in connection with the preparation of the draft Electoral Rolls for the purpose of elections under the new Union Constitution, the figure of enrolment in Calcutta was a little less than 13 lakhs. The difference was due to two important qualifications; under the draft constitution a voter must be a citizen of India, and he or she must also have resided in Calcutta for at least six months in the year ending March 1948. As is well known, Calcutta contains a large number of Nepalis, Chinese, Tibetans, Europeans, Americans and other foreign nationals ineligible as voters under the draft constitution.

148. Upon a rough calculation and taking all the uncertain factors into account, the Commissioners would take 30 lakhs in round figures as the present population of Calcutta. On a 40 per cent. basis, this would give 12 lakhs as the adult population. The residential qualification proposed by the Commission would reduce this number by eliminating those who might not be in residence for a year in Calcutta. It is impossible to calculate the number that would be affected by this provision, but the Commissioners think it safe to proceed on the basis of 12 lakhs of eligible voters.

149. In view of the large extension of the franchise and also on general principles, the Commissioners would recommend the abolition of communal territorial constituencies as also the reservation of seats for the Scheduled Castes and Anglo-Indians. They would also recommend the abolition of the special constituencies and the Labour constituency, so that the elections will be only by general territorial constituencies. Something might be said in favour of retaining the non-territorial special constituencies and the Labour constituency, but so far as Labour is concerned, the proletariat ought to be a large portion of the electorate, if not the majority, and will have an

opportunity of electing a large number of members of their choice in a general territorial constituency. As to the special commercial constituencies, they should also be content similarly to take their chance in a general constituency. On the proposed enlarged franchise, the landed interests as such will perhaps be in a minority, the total number of rate-paying premises being 79,793, but on the other hand, the adult members of the families of the ratepayers and their dependents would now be entitled to votes. It is worth pointing out that an increasingly large proportion of the matters which would be administered by the Corporation directly and almost exclusively, would concern the working classes, and it would not after all be a great evil if the majority of Councillors were not chosen by men of wealth or did not become "faithful mirrors of the businessman's attitude towards public questions". The humanitarian aspects of municipal administration might well interest the Corporation a little more, and clean streets in the business districts might perhaps be of a little less importance than the provision of breathing space for sweated labour.

CHAPTER V.

Constitution of the Corporation.

150. In the last chapter we have recommended not only an enlargement of the electorate on an extended franchise, but also the abolition of special constituencies as well as of the system of reservation of seats for Scheduled Castes and minority communities in territorial constituencies. Government nominations had been already abolished by the new Government of West Bengal under the Calcutta Municipal (Amendment) Act, 1947. According to our proposals, the elected seats will be all filled by general territorial constituencies. It is necessary, therefore, for us now to determine the number of such constituencies, the number of representatives they will return, and the method of their election.

151. Ever since the elective system was introduced in the Calcutta Municipality, the town has been divided into a number of wards, as these physical divisions have been called, and each ward has elected a specified number of representatives. As already pointed out, these wards when first formed in 1876 were made to correspond to the then existing Police divisions or thauas, and they have practically continued on that basis. Under Act IV of 1876, there were 18 wards which elected 48 Commissioners, and in 1888, upon the amalgamation of the suburban and fringe areas, 7 more wards were added, raising the number to 25, which returned a total of 50 Commissioners. The same number of wards continued under the Act of 1899, the number of Commissioners to be elected being reduced to 25, each electing one. In 1923, the number of wards was increased to 32, of which six (wards 26, 28, 29, 30, 31 and 32) represented the added area of Cossipore-Chitpore, Manicktola and Garden Reach, while Ballygunge and Tollygunge which formerly formed one ward (21) were now separated and made into two wards, Ballygunge (ward 21) and Tollygunge (ward 27). Hastings which was ward 18 was added to Watgunge (ward 25), and Tangra was made ward 18.

152. The Commissioners think that the system of election by wards must continue, though the number and size of the wards must be varied, the number being increased and the size reduced. The ward system was introduced evidently with

the idea that the local needs of particular territorial units would receive special attention from the Councillors elected by those areas. It did not stop at that. It was further considered that different communities living in the same ward also required their special interests to be safeguarded by the election of Councillors to represent those communities. There can be no doubt that the system tended to encourage a parochial outlook in members of the Corporation. The general interests of the city as a whole were apt to take a secondary place compared to the special interests of particular localities or particular communities. A straightforward solution would perhaps be to abolish election by wards as well as all special constituencies, and introduce the system of what is called election at large. Under this plan the whole body of the city's electors would take part in the election of each Councillor. The system is in vogue in many American cities, but it has its drawbacks in cities with large populations. Hence some cities there have combined the two methods, part of the Council being elected by wards, and the rest at large.

153. We have considered the matter, and come to the conclusion that with the large extension of the franchise, it would not be desirable to introduce here such a revolutionary departure from the existing method of election which has been in operation now for nearly three quarters of a century. We shall consider later a somewhat restricted scheme of election at large suggested by some witnesses. For one thing, with a large number of Councillors to elect, voters would find it difficult to make their choice out of a still larger number of candidates. In the opinion of the Commissioners, therefore, election of Councillors by wards must continue, but as we have said, the wards must be so constituted that the defects of this system may be minimised.

154. As already mentioned, taking the total population of Calcutta to be 80 lakhs, it would be a safe estimate to assume that the number of adults possessing the residential or tax-paying qualifications for voting would not fall below 12 lakhs, against 98,139 who were on the electoral roll in 1944. If the number of wards remains at 32 as now, this would give an average of 37,500 electors in each ward. The present average on the 1944 figures is only about 3,066. The wards, however, as the Tables in Appendix I will show, are far from uniform in size, population and voting strength. The number of Councillors to be elected is, again, not the same in the different wards, but varies from 3 to 1. At present, taking the 1944 figures, a Councillor may be said to represent on an average about 1,350 electors. Due to these inequalities in the wards as regards size, number of electors and number of Councillors, it is inevitable that there should be striking anomalies and discrepancies in the results. Thus, for instance, at the last election, ward 27, with nearly 7,000 electors on the roll, elected only 1 Councillor from the general constituency, and 0.25 from the Mahomedan constituency (one Mahomedan Councillor representing 4 wards, Nos. 22, 23, 24 and 27). Ward 17, on the other hand, though having less than 400 electors, elected 1 Councillor from the general constituency, and 33 from the Mahomedan constituency. There can be no doubt that to secure uniformity in electoral results such anomalies ought to be eliminated as far as possible, and this demands a thorough reconstitution of the wards on a more rational basis, with regard not merely to territorial extent, but also to the total population as well as the percentage of the population eligible to vote. The total rateable valuation of the ward is another factor which might properly be taken into account.

155. We have already seen how a small electorate is not only not sufficiently representative, but also lends itself easily to manipulation and tends to become a close preserve of a select few. We are equally conscious that too large an electorate, on the other hand, may also be open to objection on the ground that it may not ensure such touch with the Councillor to be elected as is necessary for effective representation. After taking everything into consideration, the Commission has come to the conclusion that an electorate of about 16,000 voters on an average may fairly be taken as neither too large nor too small for one Councillor to represent. The Commissioners think that it is neither necessary nor desirable that a Councillor should concern himself too much with the needs of any individual elector. With a small constituency, such personal contacts have been productive of more evil than good in the past, and hardly merit any encouragement. The Commissioners do not, however, anticipate any difficulty on the part of a Councillor in an enlarged constituency such as they propose to maintain collective touch with his constituents. The difficulty will be all the less, because of the reduced size of the electorate which is also the Commission's recommendation. This will certainly enable the Councillor to make himself familiar with the needs and requirements of the area which he represents much more intimately than at present. It appears that the constitution of New York City Council provides for one Councilman for every 75,000 voters, with a remainder of 50,000 voters entitling an electoral division to one additional member. This is said to be now working well, and is considered greatly superior to the old Council which had 66 elected members, each of whom represented an Aldermanic district with an average population of 1,00,000 persons and about 30,000 voters. Coming nearer home, it is understood that in Madras about 18,000 of the population is represented by one Councillor.

156. Dividing the total number of eligible voters, which as already stated, we estimate at 12,00,000, by 16,000—the number of electors proposed to be represented by one Councillor—the elected membership of the Corporation would work out to 75, and this would mean 75 wards, assuming each ward would elect a single Councillor, as we recommend. The Commission is not in favour of any constituency returning more than one Councillor. To have 2 or 3 Councillors in a ward, as is the case at present, does not serve any useful purpose, and tends, on the other hand, to introduce the principle of divided responsibility to the detriment of the civic interest of the ward concerned.

157. The next question that arises is as regards the size of the proposed wards. The total area of Calcutta, as calculated from existing records, is about 28.182 sq. miles. This divided by 75 gives an average area of .376 sq. mile for each ward, which the Commission does not consider to be too large for a single Councillor to look after. It would be an ideal arrangement if all the 75 wards could be made equal in area and in population, but practical difficulties exist in obtaining this result, as existing physical boundaries, and the homogeneity of existing physical divisions cannot be wholly ignored. Where equality of population and area cannot both be achieved, stress should, in our opinion, be laid on equality of population rather than on equality of area, so that the wards should coincide as far as possible with units of local patriotism. The Commission has had a map prepared by the Engineering Department of the Corporation, showing how the city can be divided into 75 wards with due regard to the principle stated above. This is attached to this report as an

enclosure, and marked Appendix III. It may be necessary to vary these divisions to a certain extent on the same principle, but that will not affect the general plan formulated above.

158. We have next to consider whether the Corporation should consist of any member other than the 75 ward Councillors to be elected by general territorial constituencies on the extended franchise we have recommended. We have already expressed our views against the grant of special representation to any particular interests or communities. The Commissioners fully believe that their proposals should enable all classes and interests to be adequately represented, even if specialists or experts are not thereby inducted into the Corporation. Specialists and experts will no doubt be required in the municipal administration, but their services, when required, should be obtained by the Corporation on terms in the usual way or by way of loan from Government or other authorities. Persons with such technical qualifications cannot be regarded as persons who require to be represented in the Corporation as Councillors. What we have stated above need not, however, debar the inclusion of an *ex-officio* member like the Chairman of the Calcutta Improvement Trust. We accept in this behalf the provision introduced in section 5 of Act III of 1923 under the amending legislation of 1947. In this connection, without making a definite recommendation ourselves, we should ask the Government to consider whether or not, in view of the possible development of new relationships between the Corporation and the adjoining municipalities, the Chairmen of these local bodies should not be made *ex-officio* members of the Corporation, with or without powers of voting on questions other than those affecting matters of common concern.

159. The question of election of Aldermen by the whole body of Councillors after a General Election requires special consideration. The practice of electing 5 such persons every three years was, as already stated in a preceding chapter, introduced for the first time by Act III of 1923. It was based on the British model and was a device for bringing into the Corporation a few persons who might be described as "elder statesmen", but who would not be prepared to go through the usual process of popular election with all its risks and troubles. It was felt that their presence would enhance the dignity of the Municipal Council and otherwise add strength to it. The system has sometimes been condemned as "undemocratic". It is said that no one should sit on a Council who has not been directly elected by the votes of the people. By the same token, a Council might be stamped as undemocratic, if it did not appoint its officials by popular vote. But if the Councillors may be supposed to be elected because of the faith of the electorate that they will act honestly and to the best of their judgment, why cannot they be trusted to select five good men and true to serve the city, without negation of the principle of democracy? Another misconception which seems to prevail in certain quarters is that the object is to favour a few selected individuals by providing for them a more or less easy way of entering the Corporation rather than to benefit the Corporation itself by calling in the assistance of men and women who have much to contribute to the local government of the city, but whose services would not otherwise be available. It is to be feared that much of the opposition to the system is due to this wrong idea.

160. There might reasonably be some objection if, following the English practice, Aldermen were elected from among senior Councillors, often by

arrangement between parties in the Council, or they held office for life, as in the City of London, or for twice as long as the Councillors, as in the London County Council. It might be said that that would result in establishing for a number of years a block of persons who, with their fixed and conservative ideas, would oppose change and even refuse to consider methods to which they were not accustomed. Under the Calcutta Municipal Act, however, the period of office of Aldermen is co-terminous with that of Councillors, and it is further provided that no Councillor may be elected as an Alderman.

161. The only real ground that could be urged against continuing the system of Aldermen would be the past experience of the Corporation. Has it or has it not been a success? It is a fact that the Corporation owes some of its most distinguished Mayors to this method of indirect election, but for which their services would not indeed have been available to the Municipal Council, but occasions have not been wanting, on the other hand, when men with little or no record of public service have also contrived to gain admission into the Corporation through this door, which was certainly never meant for persons of this description. One has only to look at the names of some of the successful candidates at Aldermanic elections side by side with those of the distinguished citizens whom they defeated, to get an idea how far the anticipations of those who introduced this innovation in the municipal system of Calcutta have been realised in actual practice. To say that a system lends itself to abuse is, however, not to condemn it: it only exposes a remediable weakness in the statute which has left the election of Aldermen to the unfettered discretion of the Councillors without laying down any rules as to the type of persons to be elected. After careful consideration, the Commissioners have come to the conclusion that the system should be continued, and it would be for Government to consider whether or not any special qualifications for the office of Alderman should be laid down in the statute. As we have said before, we expect a better type of Councillors to be returned on adult suffrage, and it might perhaps be desirable to wait and see how they act before imposing any restrictions.

162. Excluding the five Aldermen, and excluding also the possible addition at a future date of the Chairmen of adjoining Municipalities, the Corporation, according to our recommendations, will thus consist of 75 elected ward Councillors and the Chairman of the Calcutta Improvement Trust as an *ex-officio* member. This might have the appearance of a retrograde step, seeing how the size of the Corporation has been on the increase since 1923, but judging by experience, it cannot be said that an increase in its size has been accompanied by an increase in the efficiency of its administration. Certain matters require discussion, and for such discussion a certain number is necessary, but even a deliberative body might be too unwieldy. If one looks to the attendance at Corporation meetings in the past, the not infrequent adjournments owing to failure of quorum, and the volume of the minutes recording the debates, one would be tempted to prefer a smaller Council as more effective. We consider that a Council of the size we have proposed will be fairly representative, and at the same time quite adequate to the discharge of the functions which the Corporation, under its new constitutional set-up, will be called upon to discharge.

163. It is interesting to note that the membership of the Council in each of the large cities in England has now reached a very high figure. The following table is taken from a standard book, published in 1939, giving in each case the number

of members of the Council, including Aldermen:—

Birmingham	...	136
Bristol	...	92
Edinburgh	...	71
Glasgow	...	114
Hull	...	82
Leeds	...	104
Liverpool	...	157
Manchester	...	144
Sheffield	...	100
West Ham	...	64

The London County Council, it may be added, consists of 2 Councillors elected for three years by the electors in each of the 60 Parliamentary divisions into which London is divided, together with 4 members elected by the City electors, making a total of 124. To this must be added 20 Aldermen elected for six-year terms of office by the elected Councillors. The existence of these large Councils is said to be due to the English idea of representation of all parts of the borough and of all classes of the population. It is also probably due to the division of large boroughs into wards for electoral purposes.

164. In the United States it is the general opinion that a Council of from 7 to 9 persons is likely to be much more effective than a larger one, and to contain members of a higher calibre. The number of course varies according to the type of City government which prevails—Mayor-Council, or Commission, or Council-Manager. Councils in Manager-government cities are generally smaller than those where the Mayor and Council plan is in force. Of the 24 largest cities in the United States, 18 are governed by a Mayor and Council. In some of these cities, the size of the Council is as follows:—

Chicago	...	...	50
Boston	...	...	22
Philadelphia	...	...	22
New York City	...	Variable, but at present 23.	

165. We propose no changes regarding the election of the Mayor and the Deputy Mayor, who should continue to be elected as at present at the first meeting of the Corporation in each year. There is no categorical specification in the statute of the powers and duties of the Mayor and the Deputy Mayor, except for the provision that the Mayor, or in his absence, the Deputy Mayor shall preside at every meeting of the Corporation, and that all contracts shall be made on behalf of the Corporation by the Mayor or the Deputy Mayor. In practice, however, the Mayor, and to a lesser extent the Deputy Mayor, has exercised much larger powers, not only acting within the legitimate sphere of interpreting the will of the Corporation to the Executive, but often over-stepping the line to interfere with the Executive in day-to-day administration. Instances have come to the notice of the Commission of the powerful influence exercised by certain Mayors who had a political following in the Corporation, which enabled them to interfere with the Executive in various spheres of activity for party purposes or in the interest of particular persons whom they favoured. To such an extent was such unauthorised interference carried that suggestions were made to us that the Mayor and the Deputy Mayor should be made wholly independent of the Corporation, and be elected by the direct votes of the electors, as is the practice in some Councils. We are afraid, the remedy proposed would here only aggravate the

disease, as the Mayor and the Deputy Mayor would then be able to claim the direct mandate of the citizens in support of their actions, right or wrong.

166. In England, the civic head of the City of London and of 17 other cities is called the Lord Mayor. This is a title of special honour, like the status of City. Other boroughs, including most cities, have Mayors. Lord Mayors and Mayors are elected annually by the Town Council, and they preside over its meetings, but they do not exercise executive powers which many Mayors and Burgomasters possess in other countries. Where the borough has its own Commission of the Peace, the Mayor is Chief Magistrate, entitled to preside at petty sessions, and he remains *ex-officio* a magistrate for the year following his Mayoralty. Otherwise he has, by law, little in the way of special powers, but by custom and tacit understanding he has a dignity and an influence which go much beyond the strict legal limits of his office.

167. In America, the Mayor under the Council-Manager plan has little power. He is usually selected by the Council from their own number, but in about 50 cities he is popularly elected. He is the presiding officer of the Council and is the city's official head for ceremonial, judicial and military purposes. Some cities have sought to give added prestige to the office of the Mayor by increasing his powers. This is usually done by giving him power to appoint certain minor officers, such as the Commissioner of Deeds and the certified Public Accountant who audits the city's books at stated intervals. In all cases, however, the Mayor's position is of secondary importance, the Manager being the actual head of the city. It is the Manager, rather than the Mayor, who appoints and removes subordinates and has charge of the conduct of the administration. In no case does the Mayor have control over the Manager.

168. We do not recommend any change in the existing provision regarding the term of office of a Councillor, who should hold office for three years as at present. A suggestion was made to the Commission that one-third of the Councillors should be required to retire each year, with the object, not so much of ensuring a certain continuity of policy as of preventing the accrual of vested interests as well as of maintaining an effective control over the popular representatives by the electors. Such a scheme of periodical retirement of a certain proportion of the members is in vogue in some local Councils in England, particularly from among the Aldermen. We do not, however, see much merit in the system, and do not recommend its adoption in Calcutta. It would needless involve an annual election, even if of a restricted scope, with all its attendant expense and trouble, without producing any appreciable advantage in return.

169. We agree that the electors must have control over those whom they return, and should, therefore, possess a power which will enable them to maintain not only a continuing watch, but a continuing check over their representatives in the Municipal Council. Vigilance, as goes the oft-repeated truism, is the eternal price of liberty, and it is essential for that reason to have an electorate always wakeful, vigilant and alert. But if this is to be achieved, the annual retirement of one-third or any other proportion of the Councillors is hardly a remedy. For this purpose, the Commissioners venture to suggest, it would be worth while to consider whether or not the statute should embody any provisions like what one finds in many American cities for Initiative, Referendum and Recall. Initiative and Referendum serve as a means of administering an indirect rebuke to the Council for its failure to be more responsible to

and respectful of the wishes of the electors, while Recall is a means of removing an elected representative before the end of his normal term of office.

170. It is necessary now to consider two schemes which have been placed before us as regards the procedure for the election of Councillors. We have already set out our recommendations, which substantially follow the existing practice of election by wards. We have no doubt suggested a re-distribution of the ward-boundaries, involving an increase in the number, but a diminution in the size of the wards, but the essential feature of the scheme is the adoption of separate territorial units each of which will be represented by a separate Councillor. According to our proposal, the qualification for voting, whether it is residence or payment of rates, tax or fee, may accrue in any part of the city, but it is not necessary that the voter must be enrolled in the particular ward where it accrues. He will have an option to choose the ward in which he proposes to vote, but we assume that this will be subject to rules which will ensure that the voter must have some connection with the ward of his choice, which it may be, he will ultimately seek or have to represent. The whole principle of representation, as we understand it, assumes a territorial basis; and according as the territory is big or small, will the representation be less or more effective.

171. The schemes which have been suggested to the Commission both accept the principle of territorial division of the city into small units or wards, and equally accept the principle of representation of these separate units by separate Councillors, but they postulate that these representatives should not necessarily be elected by the votes of the electors belonging to the units which they will represent. According to one scheme, the city should be divided into a number of districts, say, 8 or 10, each consisting of a number of wards, and each district should elect as many Councillors as there are wards in it, one for each. The voting would be not ward by ward, as is our recommendation, but districtwise and at large. It should be possible, therefore, for a Councillor to be elected, not by the votes of the ward which, or the electors whom, he will represent, but by the votes of other wards and other electors, and this in fact is claimed to be the chief merit of the scheme. It is said that this will eliminate the spirit of parochialism. The Commission fails to understand how the scheme would serve any useful purpose, so long as wards are retained as units of representation. A more straightforward plan would be to abolish representation by wards, and substitute in its place representation by districts. In effect, the scheme amounts to an enrolment of a voter not for a particular ward, but for a region, namely, the district. We do not see any advantage in this device and cannot, therefore, recommend it. The parochial tendencies of Councillors, if any, will have to be corrected by means other than that of allowing a person who is a stranger to a ward to represent its inhabitants.

172. The other suggestion is an expansion of the above scheme, combining indirect election with election at large by an Electoral College. According to it, Councillors, though they are ultimately to be assigned, one to each particular ward or electoral unit, are still not to be elected by the electors of such units, or even of groups of such adjoining units, but by an Electoral College of a sufficiently large size, to be constituted by representatives of the different electoral units, who are to be elected thereto by the direct votes of the electors of the units, not, however, voting in their respective units, but voting at large within

particular districts to be formed by the grouping together of a number of units for the purpose. It will perhaps be easier to grasp the scheme, if we illustrate it in the following manner:—

Calcutta is to be divided into, say, 100 electoral areas or units. Each of these units will elect on adult suffrage, let us say, 20 persons. The persons so elected are not to be the Councillors, but only delegates for the election of Councillors. These 2,000 delegates, on the figures we have taken, will in fact constitute an Electoral College. Assuming 100 to be the total number of Councillors who will constitute the Corporation, the Electoral College will elect this number. For this purpose, the 100 electoral units will be formed into a number of districts, say, 10, in which case each district will consist of 10 units. The Electoral College will now elect 10 Councillors in each of these districts. This election will be election at large for the whole district, and not ward-wise. After the whole body of 100 Councillors are thus elected, they will be distributed amongst the various units, one for each.

173. We see no special merit in this scheme to commend it to our acceptance. It may look attractive on paper, but will be too cumbrous to operate. In any event, the success of the scheme must depend almost entirely on the type of men who will constitute the Electoral College. It is claimed that really good men will offer themselves for election to the Electoral College, because their only function will be to elect the Councillors of the Corporation and take on no further burdens. As is well known, many honest and capable citizens might have good reasons for keeping aloof from the Corporation, but it is said that such men would not hesitate to come forward to discharge a specific public duty which would not entail much time or labour. On the other hand, it is asserted with some emphasis, and not without force, that the function of the Electoral College, responsible as it may be, will not be attractive enough to stimulate public interest or enthusiasm, and it is more than doubtful if the elections to this body will be seriously or at all contested. Prestige or distinction attaching to an office, which is so often an incentive to contest an election, would be altogether wanting, or at best only of an ephemeral character. The Electoral College will in fact fade away the moment it elects the Councillors.

174. The scheme suffers from the inherent weakness of indirect election. An indirectly elected authority, as has been well said, labours under the shadow of a secondary responsibility which is wont to develop into irresponsibility. The Councillors would bring to the Council chamber the views of a non-existent electorate rather than the interests of the wards or units to which they are accredited. They will be ward representatives, but without the feeling of attachment to their respective wards which is supposed to be the foundation of their representative character. Representation in such circumstances would be reduced to a fiction of a fiction.

175. Leaving aside a suggestion that designing persons may find it easier to manipulate an electorate of 2,000 persons like the Electoral College than to influence a general constituency of, say, 16,000 electors, one fails to see any real justification for this indirect method of election. If the primary voters of a ward may be expected to elect 20 good men to be their representatives in the Electoral College, why should not they be able

to elect a single person of merit to represent them in the Corporation Council? Having given the matter our best consideration, we are afraid we must reject this proposal, however captivating it may be, as interposing a needless barrier between the Councillors and the ultimate electors as a sort of break-water to subdue the full tide of democracy.

176. We do not know of any precedent of an electoral college in municipal elections or elections to popular assemblies, which has been a success. It does not even possess the merit of election at large which is in vogue in some American cities, where the election is direct. In India, the system has been tried in electing members of the Legislative Councils through the Legislative Assemblies, but it was not popular representation. The election of Aldermen by the Councillors stands on a special footing. Nor does the case of election of the President of the United States offer a comparable parallel. In the Bombay Corporation, there is an electoral college of delegates representing registered trade unions for the election of four Councillors, but this is an exception made presumably because of the peculiar character of the constituency.

177. We shall now briefly refer to the question of the qualifications of Councillors—whether they should be the same as those of electors. We are no longer to be concerned with special constituencies, communal or otherwise, but have to consider the case of general territorial constituencies only. As regards this class of constituencies, the present law is contained in section 23 of the Calcutta Municipal Act, 1923, which lays down that no person shall be eligible for election as a Councillor to represent any such constituency, unless his name is duly registered on the electoral roll of that or of any other general constituency. Disqualifications for being a Councillor are set out in section 22. Is any change necessary in view of the extended character of the franchise?

178. We suppose it will be generally accepted that a Municipal Council should not be a mere "collection of deadheads and mediocrities", but must contain at least a few people who know something about managing local affairs, and above all, must be men of character. They need not be men of wealth, or "big business men", or even men of high educational qualifications. A contributor to an English monthly Review, writing in 1936, set out what he called the "Ten Commandments of Civic Reform" for his city, and one of these was that all new candidates for the Council should be required "to pass a University examination in the elements of civics and to produce certificates of good character and a clean sheet as regards the past". Whether a university examination should or should not be a necessary qualification, there is a good deal to be said for the latter part of the suggestion.

179. Unfortunately, it is not quite so easy to lay down any statutory test to judge the honesty and capacity of an individual which will exclude all unqualified or undesirable persons. The matter must ultimately be left to the electors. All that the Commissioners think can and should be done, in view of the extended suffrage, is to follow the English practice and make the qualifications for election as a Councillor slightly wider than those required of an elector, by providing that a candidate must be (i) an Indian citizen, and (ii) not less than 30 years of age (instead of 21 as at present), and further, that he must also (iii) either be registered as an elector in the ward which he seeks to represent, or own property there, or have resided there for a longer period than that required to qualify for being an elector, say, for 18 months.

180. The Commissioners further suggest that, following the City of Bombay Municipal Act, a new disqualification may be added to the effect that a person who fails to pay any arrears of any kind due by him (otherwise than as a trustee) to the Corporation within three months after a special notice in this behalf has been served upon him, shall not be eligible for election as a Councillor. The Commissioners would also ask Government to consider whether a conviction for any, and if so, for what, municipal offence mentioned in Chapter XXXVI of the Calcutta Municipal Act, 1923, should not disqualify a candidate for the office of Councillor, provision being made, if necessary, for removal of the disqualification by Government in particular cases.

181. We have now indicated generally the lines on which, in our opinion, the Corporation should be re-constituted and the electoral system revised for the purpose. If the proposed scheme is accepted, it will not only involve legislative changes, but also entail considerable administrative work before the next General Election can be held on the new basis. As we have said before, we are anxious that the General Election should be held, if possible, before the end of March 1950 when the extended period of supersession of the Corporation is due to expire. In the normal course, if new electoral rolls are to be prepared on the basis of the franchise we have recommended, after the amending legislation has been passed, we are afraid there will not be enough time left to enable the election to be held before the date mentioned. Fortunately, as is known, Government have already had preliminary electoral rolls prepared for the city of Calcutta on the basis of adult suffrage for the elections to the State Legislatures which are due to be held under the new Constitution of India after it has come into operation. There is an important difference between the scheme of adult franchise on which these rolls have been prepared and the scheme suggested by us for Corporation elections. In the former, residence for six months has been accepted as the qualifying basis, while in the latter, the qualifying period is one year. Presumably the number of adult voters in the Government draft rolls would be larger than the number who would be qualified to vote according to our recommendations. All the same, having regard to the desirability of avoiding undue delay in the holding of the new General Election, the Commissioners suggest that for the first election to be held under the new constitution of the Corporation, legislative sanction may be obtained for using the preliminary rolls prepared by Government as the basis.

CHAPTER VI.

Constitution of the Corporation (continued).

182. It will be seen that in making our recommendations for the re-constitution of the Corporation, we have not advocated any departure from the pattern of municipal government which has been in operation in Calcutta since 1876. We have assumed the continuance of the existing system under which the whole of Calcutta is under a unified administration. The wards into which the city is divided for purposes of election are also its administrative divisions, but they are all integral parts of one and the same constitution, enjoying no independent authority of their own. Neither are the districts, into which Calcutta may be and is divided by the grouping together of a number of wards, independent units in any sense, as the District Committees can

perform only such functions, powers and duties as the Corporation may delegate to them relating to matters affecting their districts.

183. Suggestions have, however, been made to the Commission by some witnesses, notably by Sri J. C. Mukherjea, a past Chief Executive Officer of the Corporation, for a decentralised scheme of administration, more or less on the model of the London County Council, under which Calcutta will be split up into a number of autonomous units, say, six or eight for the present, each of which will function as a small independent municipality in respect of certain services of a more or less local character, while there will be a central Corporation operating the major services which require large-scale administration and extend over larger areas. If such a scheme is adopted, it will involve a radical change in the structure of local government in Calcutta, and it would be necessary to provide for a new constitution altogether, of a type wholly different from that to which the city has been so long accustomed. It is interesting to recall, as stated in paragraphs 40 and 41 of this Report, that a sort of a federal system, though not exactly in the same form, had been suggested by the Seton-Karr Commission in 1861, but did not find favour.

184. One could perhaps understand the utility, if not the necessity, of such remodelling of the constitution of Calcutta, if and when the plan of a Greater Calcutta materialised. But the Commissioners fail to understand why a scheme of this kind should be necessary to deal with a city of Calcutta's present size and structure. The London County Council does not certainly afford a parallel. As we know, it was constituted by the Local Government Act of 1888 to take over an area of approximately 117 square miles, which had been given to the Metropolitan Board of Works in 1855 and to its predecessors the Commissioners of Sewers for the Metropolis in 1848. The 28 metropolitan boroughs came later under the London Government Act, 1899, ostensibly because London was regarded as too vast and too heterogeneous for unified administration, and it was considered desirable to set up smaller councils to take over most of the work done, or left undone, by the pre-existing authorities, such as the Vestries and the District Boards. The main object, however, it has been said, was to undermine the growing prestige and power of the London County Council. The greatest possible amount of dignity and autonomy was in fact conferred on the metropolitan boroughs to encourage a feeling of separate civic consciousness. They were given ceremonial insignia, denied to the larger body, such as a Mayor and Aldermen with their robes of office, gilt chains and mace. The statute deliberately omitted to provide any means of securing co-operation either between the borough councils themselves or between them and the London County Council.

185. The question of the right area of local government may be looked at from various points of view. One line of approach is the technical, another is administrative, while there is also the point of view of central government control, and finally, the standpoint of the local citizen. But whatever the angle from which the matter may be looked at, the Commissioners do not think that Calcutta with an area of less than 30 square miles is much too big to be a single unit of administration. Nor are its problems such that they cannot be solved without co-ordinated planning or decentralised executive action between a number of relatively small-scale authorities. Concentration of municipal functions in the hands of a unitary authority may not be always desirable, but whether

a "double-deck" municipal structure is to be preferred to an "one-tier" system of local government will depend upon circumstances, upon the nature and extent of the area to be served, and the complexity and character of the functions to be performed.

186. So far as Calcutta is concerned, the Commissioners are of opinion that not only is a single authority desirable, but it is very necessary for the sake of efficiency of administration. Defects in the administration such as have developed are not due either to the excessive size of the city or to the necessity of large-scale planning or administration of the city services. As we have seen and as will further appear, they are mainly due to other causes,—general laxity, inefficiency and corruption, coupled with constant interference with the executive in day-to-day administration, causes which will ruin any administration, however restricted the area of its operation. Nothing in fact will be gained by setting up a number of small municipalities within the periphery of the city, endowed with both the form and the substance of independent municipal status, each going its own way, with every chance of friction and conflict of interest between themselves and between them and the central authority, and producing in the result a mosaic of unequally developed areas and varying standards of local service. Among other resulting evils will be the possibility not only of a lack of uniformity in the structure of taxation, but what is worse, of an improper diversion of funds, producing congestion at the centre in an attempt to remedy peripheral anaemia, not to speak of the almost certain chance of wasteful dissipation of funds on services of a common character which might easily be combined.

187. If it is said that the object should be to stimulate the growth of local patriotism by the conferment of local autonomy, the Commissioners venture to suggest that the District Committees under the existing constitution contain all the essentials of an organisation necessary to achieve this result. Section 72 of the present Act makes it only optional to the Corporation to constitute District Standing Committees, though as a matter of fact such Committees have been appointed every year. We think this should now be made a statutory duty, and it should also be necessary to vest the District Committees with larger powers, and that with final authority as regards a larger number of matters. Some of these powers, in our opinion, should be conferred by statute, while others may be left to be delegated by the Corporation by resolution as at present. The essential point which will distinguish the District Committees so reformed from the autonomous units envisaged in the London County Council set-up is that they will be committees of the Corporation, consisting no doubt of local representatives who had been elected to the Corporation by popular vote, but knit to the main body by close ties of co-operative subordination. Like the Corporation itself, the District Committees, within their limited spheres, will exercise not merely legislative but administrative functions,—not, however, in respect of the latter, interfering with the actual execution of those functions. As regards the machinery and organisation required for execution of the schemes sanctioned by the District Committees, it will not be economical for them to isolate themselves completely from the central authority. They may maintain an independent staff of their own, so far as funds will permit, but to a large extent they will have to utilise the services of the staff maintained at headquarters. They will not also be able to dispense with all connection with the Corporation Central Stores or the Central Workshops. As regards funds, the District Committees

will doubtless still require to depend upon the provision made for them by the Corporation in their budget. The levy of rates, taxes and fees under the Act must continue to be on an uniform basis throughout the city, but their collection, though it must remain a central responsibility, may still be decentralised by utilising the agency of the District Committees to some extent. It may be, however, worth considering if District Committees may not be empowered to levy supplementary taxes from time to time within their jurisdiction for the definite purpose of providing for any special civic amenities which they may require in addition to those for which provision may be made in the central budget. It is not necessary to go into these details, as, once the general plan is accepted, these may be easily worked out and be embodied in rules to be framed by the Corporation.

CHAPTER VII.

Greater Calcutta.

188. As explained in the last chapter, the Commissioners do not favour the idea of breaking up Calcutta as it now stands into a number of small autonomous bodies federated to the Corporation as a central authority, as, in their opinion, this is neither necessary nor likely to make for efficient administration. They have so far made their recommendations accordingly on the basis that the limits of Calcutta will remain the same as defined by the present Municipal Act. One cannot, however, shut one's eyes to the fact that Calcutta is in effect overstepping its statutory boundaries, and the question of a Greater Calcutta is obtruding itself daily with increasing persistency. The matter has been examined in some form or other within the last few years by several official Committees, and as pointed out in the introductory chapter, Sir Surendra Nath Banerjea had himself foreseen the expansion of Calcutta from Barrackpore on the north to Diamond Harbour on the south as a possibility, when introducing his Calcutta Municipal Bill in 1921.

189. The problems which are pressing for solution are many, and may be stated to be mainly as follows:—

- (1) Relieving the growing congestion of Calcutta by providing new areas outside the city for its surplus population, affording them not only residential accommodation, but also the adjuncts of community-living.
- (2) Meeting the growing demands of industrialisation, not only by providing new sites for, but by controlling and regulating the location of premises for industrial undertakings outside the city.
- (3) Removal from their existing sites in residential neighbourhoods to sites outside the city, if necessary, of offensive trades, industries, works and businesses (such as are mentioned in Schedule XIX of the present Act) as well as of other nuisances like buffalo *khatals*, cattle-yards, etc.
- (4) Shifting the bustee population, now promiscuously scattered all over the city, from their present habitations, mostly under appalling conditions of filth, squalor and over-crowding, to suitable places in the fringe areas or outlying parts of the city, far but not too far from their places of business, with quick and cheap facilities of transport.

- (5) Improving communications and means of transport between Calcutta and adjoining districts, so as to encourage a voluntary outflow and dispersal of the city's population.
- (6) Reclamation and development of insanitary environs of Calcutta, notably the Salt Lakes on the east, with a view to provide not only living accommodation but also a sanitary cordon or protective belt of open land as a shield against malaria.

190. It will be seen that in stating the problems in this form we have looked at the matter more from Calcutta's point of view than from that of the adjacent areas beyond its boundaries. And yet it is conceivable that these areas may be as much interested in being linked up with Calcutta as Calcutta is interested in their growth and development. Excluding the Salt Lakes which surround the city in a semi-circle on the east, and occupy an area of about 70 square miles, these adjoining tracts of land are at present governed by a number of mofussil municipalities under the Bengal Municipal Act. Between them they cover an area of 43·7 square miles, three of the municipalities being on the south, namely, Tollygunge, South Suburban and Garden Reach, and five on the north, namely, Baranagar, South Dum Dum, North Dum Dum, Central Dum Dum and Kamarhati. Some of them have definitely asked for incorporation into Calcutta, while others have equally definitely resisted the proposal for amalgamation. In either case, they have in view the nature of incorporation or amalgamation contemplated by sections 543 and 544 of the present Act III of 1923, in other words, inclusion within the limits of Calcutta, to be administered by the Corporation under the Act, involving a simultaneous repeal of the provisions of the Bengal Municipal Act in those areas. None of these municipalities appear to visualise a third alternative which, while allowing them to retain their separate identities, will at the same time bring them into closer relationship with the Corporation of Calcutta by making the latter a federating authority over them.

191. On two occasions in the past have large tracts of territory from adjacent municipalities been included within the jurisdiction of the Calcutta Corporation—once in 1888, and again in 1923. The amalgamation in 1888 was the outcome of a recommendation made by a Sanitary Commission appointed by Government in 1884 to report on matters concerning the health of Calcutta. The insanitary conditions of the suburbs, with no underground drainage and no system of filtered water-supply were considered to be a danger to the health of the town, and the union of town and suburbs under one municipality was suggested in the interests of both. An area of 8,188 acres was thus added to Calcutta which at that time extended over 3,766 acres. The proposal met with objection both from the people of Calcutta and from the people living in the suburban areas. On one side, there was a sense of injustice, perhaps natural, at being called on to bear new burdens when the town was hardly able to fulfil adequately its own needs and commitments, and on the other, a fear, not also unnatural, of having to submit to a higher scale of taxation, without a corresponding improvement, at any rate in the early stages, in the amenities or the municipal services. On principle, however, it could hardly be denied that a town was to a certain extent responsible for its suburbs, and ought not, therefore, to mind bearing the extra burden necessary, while the suburbs in their turn could not very well refuse to contribute anything to the cost of the improvements which they undoubtedly

stood in need of. As pointed out in paragraph 67 of the Report, Government relieved the town of its burden to some extent by remitting the Police charges which it had hitherto had to bear, amounting to about three lakhs of rupees, imposing at the same time a statutory obligation on the municipality under section 37(7) of the Act of 1888 to spend at least an equivalent amount on the improvement of the suburbs. The Corporation actually spent very much more than this statutory minimum, both on revenue and capital account, particularly on the Suburban and Fringe Area drainage schemes and on the extension of its waterworks for supplying water to the added areas, and whatever might have been the opinion at the time of the amalgamation, few would be found today to say that the step then taken was a mistake, either from the point of view of Calcutta or from that of the suburbs.

192. The next occasion was in 1923 when, as already mentioned in paragraph 90 hereinabove, certain areas including the suburban municipalities of Cossipore-Chitpore, Maniktala and Garden Reach were added to Calcutta. Garden Reach as stated in paragraph 99, afterwards went out of Calcutta in 1932, except for the King George's Dock Extension area which continued to remain within the Corporation and for which the Corporation undertook (under section 90A of the Act) to pay annually a sum of Rs. 2½ lakhs over a period of 30 years. Certain compensatory payments were also provided for in 1923 for the Maniktala and Cossipore-Chitpore as well as for the Tollygunge and South Suburban Municipalities. Under section 89 the Corporation were required to pay to the Tollygunge Municipality a sum of Rs. 2,632 to compensate them for expenses incurred on local drainage in the area of the Ballygunge Pumping Station added to Calcutta, and to pay annually a sum of Rs. 8,000 to the South Suburban Municipality as compensation for the loss of the new Dock Extension area which was formerly comprised within that municipality and was now made part of Calcutta. Section 90 imposed on the Corporation an obligation to spend annually for 10 years a sum of not less than Rs. 1 lakh on urgent improvement works in Maniktala and an equivalent minimum sum in Cossipore-Chitpore. By Act XI of 1923, power was also taken to fix a lower percentage in respect of the levy of consolidated rates in the added areas during the first five years. In point of fact, the Corporation have so far spent very much more than the statute required them to spend on the improvement of these areas since their amalgamation, though it must be said that the municipality has not found it possible to undertake or complete the projected schemes of underground drainage and extension of water-supply,—a fact which the opponents of Greater Calcutta have not been slow to underline as a pointed warning against expansive activities.

193. In approaching the problem of further expansion of Calcutta by taking over additional areas from surrounding municipalities, there can be no question, from whatever point of view we may look at the matter, that the ultimate success of any such scheme must depend upon the proper development of these areas which will ensure for them a high standard of municipal service. In any such programme of development, it need hardly be said, the main items must include not only such municipal functions as might well be left to small local government entities, but major services like main drainage, water-supply, sewage disposal, main highways, electric generation, transport, and public health, which really call for large-scale administration for securing optimum results. There would in fact be no point in taking over any areas unless adequate provision could be

made for these essential requirements. Admittedly, the municipalities on and beyond the borders of Calcutta lack the means, if not the will, to carry out these necessary functions. In any case, the limited area of jurisdiction of these authorities seems to be an almost insuperable obstacle in the way of effective and economical operation of many of the larger services.

194. At the invitation of the Commission, representatives of six out of the eight suburban municipalities to the north and the south of Calcutta appeared before us to state their views on the question of amalgamation. Tollygunge and North Dum Dum alone did not send any representatives. We give in Appendix IV a summary of the discussions which the members of the Commission had with them. The Appendix also contains the statements received from these municipalities, showing the following particulars:—

Area; population; rateable value; number of holdings; present arrangements for water-supply, drainage and lighting; mileage of roads, metalled or unmetalled.

It will be seen that Dum Dum alone was unequivocally in favour of amalgamation. Garden Reach would accept amalgamation only if the King George's Dock area, which used to yield the largest revenue to the old municipality, was not restored to it, or at any rate, the amount of compensation which the Calcutta Corporation was now paying under the Garden Reach Municipal Act, III of 1932, was not raised from Rs. 2½ lakhs to at least Rs. 5 lakhs. South Dum Dum, Baranagar and Kamarhati were definitely against amalgamation. As regards South Suburban Municipality, there appeared to be a difference of opinion between its present Chairman and his predecessor in office. The latter was strongly in favour of amalgamation, at any rate of the three northern wards of the municipality (Behala, Etalghata and Sahapore), if not of the entire municipal area. The former, however, was opposed to any such partial amalgamation, but would support amalgamation of the entire municipality.

195. It is not necessary for us to attempt a detailed description of the general condition of some of these adjacent areas. It would perhaps not be wrong to describe the conditions as hopelessly inadequate in most parts. Barring the two municipalities of Baranagar and Kamarhati which between them maintain a joint waterworks system, the rest obtain their supply of filtered water mainly from the Calcutta Corporation on payment, which in some places works out to less than a bucketful per head. The only drainage in many of these areas consists of natural drains which are often choked, the stench arising from the untrapped gullies and some of the water courses in dry weather being appalling. There is no system of sewerage in existence whatsoever; the disposal of filth is virtually left to the individual house-occupiers, and the contents of lavatories not unfrequently find their way into cesspools in dangerous proximity to the houses. Large open gutters take a good proportion of the waste water to open ditches and marshes. Better water-supply and a proper system of drainage and sewage disposal were in fact stressed by the representatives of all the municipalities as their most pressing needs. It was generally recognised that these were large-scale services which none of these local bodies could undertake independently on their own account, but required to be entrusted to a centralised authority exercising jurisdiction over their combined areas as constituting a single unit of administration. Some of the witnesses seemed to think that amalgamation with Calcutta would automatically bring into existence such a centralised authority and *ipso facto* solve all the problems, while others

were not so optimistic about the fruits of amalgamation, particularly in view of the actual experience of Cossipore-Chitpur and Manicktala within the last 25 years. The suggestion of an *ad hoc* authority or authorities to organise and operate the major municipal services over an even more extended jurisdiction, comprising not merely the Calcutta Corporation and the eight municipalities mentioned above, but going far beyond these limits, met with a somewhat dubious reception, the Chairman of one of the municipalities expressing a qualified approval demanding adequate representation on the central authority.

196. The Commission did not find it necessary to examine any witnesses on behalf of the Corporation of Calcutta. The Bengal Administration Enquiry Committee of 1944, presided over by Sir Archibald Rowlands, which had been required by their terms of reference to consider how local self-governing institutions could best be used as an efficient adjunct to administration, went into the question of amalgamation of some of the riparian municipalities in the industrial area around Calcutta. In this connection, they recommended that the three suburban municipalities to the south of Calcutta, which were already dependent upon the city for a portion of their amenities, should be amalgamated with the Corporation, so that the extensive rural areas within their boundaries might be developed as residential sites with all modern amenities. "No great city", they said, "can develop satisfactorily if it is hedged in by malarious villages, and by local bodies which have not the resources to undertake substantial schemes of development." It appears that the proposals of the Rowlands Committee were referred to the Calcutta Corporation for its opinion, and the view which it expressed was that it would not agree to amalgamation unless either the areas were developed to Calcutta standard by Government or by the Calcutta Improvement Trust, or sufficient funds were placed at the disposal of the Corporation to undertake such development.

197. We may state at once that the attitude of the Rowlands Committee is understandable, but not so that of the Corporation. Rightly or wrongly, the Rowlands Committee thought that Calcutta needed expansion, and so they recommended the amalgamation of the three suburban municipalities to the south. It was evidently assumed that amalgamation with the Corporation would *ipso facto* ensure the development of these areas to the Calcutta standard, either directly by the Corporation itself or by attracting the operations of the Calcutta Improvement Trust which the very fact of inclusion within Calcutta would render possible under the statute. After development the Corporation might well claim to retain these areas within its jurisdiction, enjoying all the benefits which the enhanced value of the lands was expected to yield. The Corporation opinion seems to proceed on an entirely different basis which one finds it difficult to follow or support. Apparently the Corporation took it that the idea was to thrust amalgamation on an unwilling body which was accordingly free to impose its own terms. The consideration was entirely overlooked that Calcutta might require these additional areas as much for its own sake as for theirs. If, as the Corporation demanded, the areas were to be developed by the Calcutta Improvement Trust, or by Government (using the Corporation, if necessary, as their agent), one fails to see why the Corporation should be allowed to annex this territory with all its potentialities of higher revenue rather than leave the existing authorities in possession and control to enjoy the additional income. The better plan undoubtedly would be not to improve these municipalities out of existence, but to stimulate and invigorate, if possible, these centres of local patriotism.

198. The Calcutta Corporation as it now stands is hardly able to adequately meet even its normal obligations to the citizens, much less to cope with the increasing demands made on its resources by present abnormal conditions. The addition of further areas, even if it was otherwise desirable, would almost certainly cause a breakdown in the city services, particularly as regards water-supply, drainage, sewage disposal and public health. So far as the local municipalities are concerned, some of them have no doubt offered to provide for the major services of water-supply and drainage within their areas by linking up their schemes with the existing Calcutta systems, but even if it be assumed that the Calcutta systems have capacity enough to admit of such linking up, the cost involved would be so tremendously high that we have grave doubts if these small bodies would find their resources adequate for the purpose. The fact cannot be overlooked that they have so far not been able to do much in this direction.

199. In the ultimate analysis, as it seems to the Commissioners, the problem reduces itself primarily to one of cost, and then to that of organisation. But serious as either of these considerations is, it can hardly admit of any doubt that when one looks at Calcutta's present condition, with its population increased and increasing out of all proportions and beyond the city's capacity to cater for their civic needs, or when one casts one's eyes over the surrounding country steeped in most parts in medieval conditions of sanitation and health, a policy of drift or *laissez faire* would be wholly inexcusable. If the city services are not to break down, Calcutta must be relieved of its congestion, and there must be a co-ordinated development of the circumjacent areas so as to fit into a planned and comprehensive structure of local government, embracing within its scope not only Calcutta and the municipalities in its immediate neighbourhood, but even further areas beyond their limits.

200. The lines on which such development should take place and the nature and structure of the authority by which it should be carried out are no doubt matters requiring very careful consideration. But the problem of finance is the first to be solved. The new areas cannot be expected to pay higher rates and taxes before they get better amenities, and even if they did, the task is of such magnitude and dimensions that, however high the level of rates and taxes might be raised, they would never suffice to finance the undertaking. In the opinion of the Commissioners, the development of these areas outside the boundaries of Calcutta cannot be the sole responsibility either of the Corporation or of the local municipalities, nor can it be the joint responsibility solely of these bodies. The Corporation and the local authorities should no doubt each contribute towards the cost, but Government as the ultimate authority must be prepared to bear a substantial portion of the burden from the provincial exchequer. Till such responsibility is accepted by Government, it is of little use to consider the problem of Greater Calcutta.

201. Isolated schemes of development unrelated to a co-ordinated plan would be worse than useless. So also would be the merger of the smaller municipalities into the Corporation by stages as contemplated by sections 543 and 544 of the existing statute: it would create more problems than it would solve. For one thing, such piecemeal extensions of the city's boundaries would push centralised administration to a point which would make it lose its outstanding merit as an organ of efficiency and economy. As we have said, what the situation demands is an integrated and long-range scheme of development which would not only solve Calcutta's problems, but those of other parts of the country now in various stages of vitality or the reverse of it.

202. We find that the Calcutta Improvement Trust in giving its opinion on the proposals of the Rowlands Committee expressed the view "that rather than increasing the size of Calcutta and thereby seriously impairing the efficiency of the centralised municipal services, it is necessary to decentralise the municipal units of Calcutta and the municipalities on the periphery on the lines of the London Borough Councils. These smaller units should be represented in a central body like the London County Council". Whether the central authority should be organised on the basis of the London County Council, or it should take the shape of a higher Regional Authority, such as is now in contemplation for various parts of the United Kingdom, is a question on which the Commissioners do not feel called upon to express any opinion at this stage. The question will arise and will have to be seriously considered in all its bearings, if and when only the problem of finance has been finally determined, a matter which will demand careful scrutiny. We suggest that special Committees should be set up by Government to investigate these matters.

203. We have so far left out of consideration the question of reclamation of the Salt Lakes area, which is often referred to as "a plague spot", though Mr. S. W. Goode, writing in 1916, expressed the view that experience had perhaps now sufficiently demonstrated that the health of Calcutta was not prejudicially affected by the vicinity of these Lakes. The matter was the subject of special enquiry and report by a Committee appointed by the Government of Bengal in September, 1943, with Mr. C. W. Gurner, I.C.S., Chairman of the Calcutta Improvement Trust, as its Chairman. The Committee came to no final conclusions, but was content to outline certain proposals, vague and incomplete as they were at that stage of the enquiry, for action to be taken by Government in furtherance of the policy of reclaiming the Salt Lakes. Government were asked to set up a permanent organisation to make certain necessary enquiries to establish the data for estimating the real cost of excavation and filling in of the Lake area. It was also suggested that a new local authority or Commission by executive order, or preferably by legislation, should be created to carry out the reclamation of the northern portion of the Salt Lakes in the first instance. In view of the report of the Gurner Committee, the Commissioners have not deemed it necessary to undertake an independent examination of the problem of the Salt Lakes. It does not appear, however, that any action has yet been taken by Government on this report.

204. The conclusion which the Commissioners have thus reached on the question of Greater Calcutta is definitely against any immediate action being taken on the lines of the provisions in the present Act for inclusion of adjoining areas within the municipal limits of Calcutta. They are equally opposed to any scheme of development which will have the effect of abolishing or destroying the existing units of local government in the outlying areas. The final solution must lie in a long-range plan of integration of all the various units and areas which will revitalise all the component parts of the entire organisation. Implementation of such a plan must await a preliminary decision on the question of finance.

C. C. BISWAS,
Chairman.

P. C. CHOUDHURY,
H. P. BHAUMIK,
Commissioners.

APPENDIX I.

Table I.

Ward No.	Total population as per census.	Ward No.	Total number of electors as per electoral roll.		
	1921.		1924.	1927.	1930.
1	57,006	1	3,952	3,816	3,703
2	33,984	2	2,481	2,603	2,610
3	61,183	3	3,624	3,652	3,491
4	55,372	4	3,154	2,904	2,823
5	52,573	5	3,791	4,121	3,639
6	57,276	6	3,483	3,960	3,229
7	32,959	7	5,947	6,462	5,576
8	38,510	8	2,707	3,107	2,707
9	69,670	9	4,311	3,943	3,867
10	27,110	10	1,586	1,507	1,256
11	32,638	11	2,312	2,207	2,021
12	7,106	12	1,455	1,892	2,002
13	26,111	13	2,525	2,476	2,255
14	31,664	14	2,070	1,863	1,784
15	11,747	15	1,033	961	920
16	3,776	16	689	638	745
17	3,147	17	311	340	434
18	4,283	18	286	279	281
19	47,842	19	1,482	1,367	1,442
20	35,543	20	1,422	1,386	1,390
21	50,854	21	1,618	1,535	1,644
22	57,378	22	4,639	4,673	4,878
23	22,184	23	1,656	1,723	1,739
24	31,420	24	1,081	965	811
25	34,479	25	1,150	776	878
		26	1,380	693	712
		27	1,243	1,429	1,748
		28	1,570	1,361	1,145
		29	2,023	2,317	1,741
		30	990	595	781
		31	10,049	540	768
		32	2,670	988	1,211
	885,815		69,680	67,079	64,231

Table II.

Ward No.	Total population as per census.	Ward No.	Total number of electors as per electoral roll.		
	1931.		1933.	1936.	1940.
1	66,633	1	3,556	3,868	4,205
2	38,294	2	2,401	2,472	2,347
3	67,107	3	3,460	3,456	4,037
4	54,101	4	2,698	3,123	3,014
5	39,355	5	4,848	5,760	4,607
6	46,116	6	3,526	4,177	3,343
7	18,690	7	4,790	6,836	5,101
8	48,998	8	2,258	2,991	2,595
9	80,604	9	3,931	4,716	3,807
10	21,075	10	1,423	1,511	1,518
11	35,323	11	1,950	2,410	2,264
12	6,711	12	2,084	2,334	2,350
13	30,975	13	2,131	2,346	2,061
14	38,427	14	2,034	2,025	2,270
15	14,052	15	850	1,249	911
16	5,438	16	703	1,099	657
17	2,679	17	350	550	333
18	11,772	18	427	512	557
19	44,224	19	1,532	1,851	1,701
20	40,587	20	1,671	1,737	1,919
21	30,765	21	1,855	2,476	2,173
22	60,862	22	3,755	4,337	4,029
		22A	1,437	1,573	
23	18,822	23	1,690	1,929	1,433
24	28,963	24	1,071	1,124	1,821
25	32,822	25	962	1,705	1,234
26	55,372	26	777	..	1,118
27	40,730	27	2,471	3,574	4,545
28	33,235	28	1,252	1,876	1,906
29	42,399	29	1,442	1,622	2,019
30	22,252	30	825	1,049	986
31	19,194	31	1,014	1,068	1,048
32	27,213	32	1,694	1,575	1,159
	1,123,790		66,868	78,631	73,068

Table III.

Ward No.	Total population as per census.	Ward No.	Total population as per census.	Total No. of electors as per electoral roll.
	<u>1931.</u>		<u>1941.</u>	<u>1944.*</u>
1	.. 66,633	1	.. 110,483	4,019
2	.. 38,294	2	.. 66,789	2,177
3	.. 67,107	3	.. 104,543	3,384
4	.. 54,101	4	.. 99,140	2,979
5	.. 39,355	5	.. 105,721	3,041
6	.. 46,116	6	.. 103,272	3,294
7	.. 18,690	7	.. 54,599	4,025
8	.. 48,998	8	.. 90,087	1,689
9	.. 80,604	9	.. 136,875	3,877
10	.. 21,075	10	.. 37,199	1,646
11	.. 35,323	11	.. 62,723	2,372
12	.. 6,711	12	.. 10,739	2,246
13	.. 30,975	13	.. 52,106	2,111
14	.. 38,427	14	.. 70,413	2,390
15	.. 14,052	15	.. 19,348	790
16	.. 5,438	16	.. 7,540	687
17	.. 2,679	17	.. 4,025	373
18	.. 11,772	18	.. 28,109	438
19	.. 44,224	19	.. 74,040	1,478
20	.. 40,587	20	.. 76,462	2,004
21	.. 30,765	21	.. 62,519	2,185
22	.. 60,862	{ 22 } { 22A }	.. 97,464	3,754
23	.. 18,822	23	.. 45,567	1,719
24	.. 28,963	24	.. 46,332	1,565
25	.. 32,822	25	.. 58,966	1,149
26	.. 55,372	26	.. 53,163	1,042
27	.. 40,730	27	.. 130,311	5,789
28	.. 33,235	28	.. 59,549	1,520
29	.. 42,399	29	.. 86,480	2,128
30	.. 22,252	30	.. 34,007	1,111
31	.. 19,194	31	.. 36,277	981
32	.. 27,213	32	.. 45,771	1,301
	<hr/> 1,123,790		<hr/> 2,070,619	<hr/> 69,264

* The figures in this column do not include the number in the Labour constituency, which came into existence for the first time at the election of 1944. The total number of electors in this constituency was 28,875.

Table IV.

Statement showing the total number of electors, etc., on the Final Electoral Roll, 1944.

1 No. and name of wards.	2 Area.		3 Population (Census, 1941).	4 No. of electors as per electoral roll.				5 Total of (a), (b), (c) and (d) of column 4.	6 Percent-age of total population on final roll.
	In acres.	In square miles.		(a) General.	(b) Mahomedan.	(c) Anglo-Indian.	(d) Labour.		
1. Shampukur ..	425	.66	110,483	3,885	134	..	1,232	5,251	4.75
2. Kumartuli ..	214	.33	66,789	2,155	22	..	267	2,444	3.86
3. Bartola ..	403	.62	104,543	3,123	261	..	1,835	5,219	4.99
4. Sukea Street ..	328	.51	99,140	2,663	316	..	1,872	4,851	4.89
5. Jorabagan ..	243	.37	105,721	2,993	46	2	672	3,713	3.51
6. Jorasanko ..	263	.41	103,272	3,169	124	1	2,170	5,464	5.29
7. Bara Bazar ..	224	.35	54,599	3,581	440	4	213	4,238	7.76
8. Colootolla ..	225	.351	90,087	1,102	579	8	2,262	3,951	4.38
9. Muchipara ..	485	.75	136,875	3,239	635	3	1,451	5,328	3.89
10. Bowbazar ..	148	.23	37,199	1,156	440	50	1,807	3,453	9.28
11. Puddopukur ..	161	.25	62,723	2,274	59	39	638	3,010	4.80
12. Waterloo Street ..	227	.354	10,739	2,120	89	37	200	2,446	22.78
13. Fenwick Bazar ..	194	.303	52,106	1,308	727	76	601	2,712	5.20
14. Taltola ..	185	.28	70,413	1,216	1,091	83	1,626	4,016	5.70
15. Kalinga ..	188	.29	19,348	458	194	138	48	838	4.33
16. Park Street ..	177	.27	7,540	607	35	45	20	707	9.38
17. Baman Buatee ..	128	.2	4,025	327	37	9	11	384	9.54
18. Tangra ..	923	1.44	28,109	356	81	1	335	773	2.75
19. Entally ..	514	.803	74,040	1,047	345	86	1,571	3,049	4.12
20. Beniapukur ..	409	.63	76,462	763	1,208	33	557	2,561	3.35
21. Ballygunge ..	882	1.37	62,519	1,542	606	37	1,107	3,292	5.27
22. Bhowanipore ..	637	.99	97,464	3,610	142	2	625	4,379	4.49
23. Kalighat ..	197	.307	45,567	1,704	15	..	541	2,260	4.96
24. Alipore ..	1,246	1.94	46,332	1,462	99	4	25	1,590	3.43
25. Ekbalpore ..	1,002	1.56	58,966	754	363	32	1,797	2,946	5.00
26. Watgunge & Hastings ..	2,355	3.67	53,163	783	252	7	3,019	4,061	7.64
27. Tollygunge ..	1,389	2.15	130,311	5,689	96	4	1,153	6,042	5.33
28. Beliaghata ..	901	1.407	59,549	1,331	184	5	141	1,661	2.79
29. Manicktola ..	1,345	2.101	86,480	1,209	919	..	502	2,630	3.04
30. Belgachia ..	575	.89	34,007	818	293	..	414	1,525	4.48
31. Satpukur ..	765	1.19	36,277	908	73	..	4	985	2.71
32. Cossipore ..	772	1.206	48,771	1,066	235	..	159	1,460	3.19
Total ..	18,121	28.182	2,070,619	58,418	10,140	706	28,875	98,139	4.74

Table V.

Table showing the number of electors on the electoral roll and the percentage of electors who actually voted at the poll in 1944.

Ward No.	General Constituency.		Percentage of electors who actually voted at the poll.	Ward No.	Mahomedan Constituency.		Percentage of electors who actually voted at the poll.
	No. of electors on the electoral roll.	No. of electors attending the poll.			No. of electors on the electoral roll.	No. of electors attending the poll.	
1 ..	3,885	2,192	56·42	1 ..	134		
2 ..	2,155	No poll	..	2 ..	22	463	412 88·98
3 ..	3,123	1,740	55·71	3 ..	261		
4 ..	2,663	1,638	61·51	5 ..	46		
5 ..	2,993	No poll	..	4 ..	316		
6 ..	3,169	Ditto	..	6 ..	124	880	681 77·39
7 ..	3,581	Ditto	..	7 ..	440		
8 ..	1,102	Ditto	..	8 ..		579	432 74·61
9 ..	3,239	Ditto	..	9 ..		635	464 73·07
10 ..	1,156	744	64·36	10 ..	440	499	No poll ..
11 ..	2,274	1,603	70·49	11 ..	59		
12 ..	2,120	1,054	49·72	12 ..	89	816	516 63·23
13 ..	1,308	928	70·95	13 ..	727		
14 ..	1,216	888	93·03	14 ..		1,091	914 83·78
15 ..	458	280	61·13	15 ..	194		
16 ..	607	No poll	..	16 ..	35	266	160 60·15
17 ..	327	Ditto	..	17 ..	37		
18 ..	356	266	74·70	18 ..	81	426	287 67·37
19 ..	1,047	685	65·42	19 ..	345		
20 ..	763	No poll	..	20 ..		1,208	806 66·72
21 ..	1,542	754	48·90	21 ..		606	363 59·90
22 ..	3,610	1,897	52·55	22 ..	142		
23 ..	1,704	1,121	65·79	23 ..	15	352	242 68·75
24 ..	1,462	900	61·56	24 ..	99		
25 ..	754	584	77·45	27 ..	96		
26 ..	783	557	71·14	25 ..		363	256 70·52
27 ..	5,689	2,281	40·09	26 ..		252	225 89·28
28 ..	1,331	1,105	83·02	28 ..	184	1,103	No poll ..
29 ..	1,209	823	68·73	29 ..	919		
30 ..	818	586	71·64	30 ..	293		
31 ..	908	735	80·95	31 ..	73	366	326 89·07
32 ..	1,066	805	75·51	32 ..		235	199 84·68
Total ..	58,418	24,166	59·69	Total ..		10,140	6,283 73·59

N. B.—Anglo-Indian Constituency—No poll.

Labour Constituency—Total votes polled 15,884. Total number of electors on the electoral roll—28,875. Percentage of electors who voted at the poll—55·01.

APPENDIX II.

**Notes submitted by Sri S. N. Ray, I.C.S., Administrative Officer, Corporation of Calcutta,
on the question of extension of Franchise.**

Section 20(a) of the Act should be modified as follows:—

- (1) Lower the limit of owner or occupier's share of taxes from the existing Rs. 12 to Rs. 4.
- (2) Persons paying rent to the Corporation or license fees for scavenging or for offensive trade under section 386, or fees for meat shops, drug houses or paying compound license fees for vendors for markets, or paying water charges for non-domestic purposes, business purposes or washing charges, should be allowed votes, provided they pay a sum not less than Rs. 4 per annum, should be entitled to vote (*sic*).

Section 20(b)—should be amended so as to—

- (1) reduce the limit of rent of Rs. 25 per month to Rs. 12 per month,
- (2) remove the condition that the occupier will have to apply to the Executive Officer for having his name entered in the register,
- (3) introduce franchise for sub-tenants paying Rs. 12 per month, only if applications be made by such sub-tenants to the Executive Officer for having their names entered in the register.

Section 20(c)—should be modified so as to—

- (1) reduce the limit of Rs. 12 in the case of a hut-owner to Rs. 4 per annum, and remove the existing condition under which such owner has now to apply to the Executive Officer for registration of his name.
- (2) introduce franchise for hut-occupiers paying rent of not less than Rs. 8 per month to the hut-owner with the condition that he will have to apply to the Executive Officer for registration.

If the above amendments are carried out, then it is estimated that the number of voters under such item will be as follows:—

Section 20(a)—Based on consolidated rates	... 73,000
Based on license fees	1,16,000
Section 20(a)(a)—Owners of motor vehicles	... 3,000
Section 20(b)—Rent paying tenants and sub-tenants	... 3,00,000
Section 20(c)—Hut-owners	... 60,000
Hut-occupiers	... 30,000
	582,000

In addition to the above figures, I suggest that every graduate resident within the Calcutta Municipal limits for the period of one year last preceding the year in which the election is held, should be allowed franchise. It is difficult to give any accurate estimate of persons who will come under this category without falling under any of the existing classifications.

In my opinion, the immediate introduction of adult franchise for the Corporation elections is not desirable, although this should be the ultimate desideratum. The present uncertainty in politics is not likely to produce the best type of Councillors on the basis of adult franchise. In a cosmopolitan town like Calcutta a large volume of floating industrial population exist who, while they do not contribute anything to the coffers of the city, enjoy the amenities. The existence of a large number of unauthorised buffalo *khatals* all over the city is a standing disgrace. The owners and occupiers of these *khatals* actively contribute to make the city unclean and are all the time breaking the Municipal Law, and yet under adult franchise they will all have a say as to who should represent them. It is not likely that they would vote for a type of persons who will enforce the Municipal Laws against them, and the same is true of the large number of unauthorised hawkers of disposal goods and fruits who obstruct the foot-paths and thereby commit breaches of the Law. If the ensuing elections are held on an electoral roll consisting of approximately six lakhs voters, it will be a substantial extension of the existing franchise.

SUPPLEMENT TO APPENDIX III (Map).

Statement showing areas, approximate population and approximate number of voters of proposed new wards.

Ward No.	Area in sq. miles.	Approximate population.	Approximate No. of voters.	Remarks.
1 .. .. .. .. .689	40,638	16,255		
2 .. .. .. .. .626	40,638	16,255		
3 .. .. .. .. .470	38,708	15,483		
4 .. .. .. .. .532	38,708	15,483		
5 .. .. .. .. .846	38,708	15,483		
6 .. .. .. .. .132	37,222	14,889		
7 .. .. .. .. .188	37,222	14,889		
8 .. .. .. .. .107	37,222	14,889		
9 .. .. .. .. .132	37,222	14,889		
10 .. .. .. .. .238	37,222	14,889		
11 .. .. .. .. .114	36,649	13,860		
12 .. .. .. .. .114	36,649	13,860		
13 .. .. .. .. .151	34,649	13,860		
14 .. .. .. .. .251	38,260	15,304		

Ward No.			Area in sq. miles.	Approximate population.	Approximate No. of voters.	Remarks.
15	·626	38,260	15,304
16	·663	38,260	15,304
17	·126	34,458	13,783
18	·126	34,458	13,783
19	·138	34,458	13,783
20	·157	43,071	17,228
21	·126	43,071	17,228
22	·126	43,071	17,228
23	·138	43,071	17,228
24	·114	47,690	19,076
25	·094	47,690	19,076
26	·189	47,690	19,076
27	·120	36,838	14,735
28	·176	36,838	14,735
29	·089	36,838	14,735
30	·114	36,838	14,735
31	·207	43,320	17,328
32	·332	43,320	17,328
33	·626	43,320	17,328
34	·357	43,320	17,328
35	·532	43,320	17,328
36	·820	43,320	17,328
37	·157	38,552	15,421
38	·257	38,552	15,421
39	·120	38,552	15,421
40	·194	45,126	18,050
41	·288	45,126	18,050
42	·094	37,775	15,110
43	·094	37,775	15,110
44	·114	37,775	15,110
45	·126	37,775	15,110
46	·326	38,951	15,580
47	·388	38,951	15,580
48	·782	38,951	15,580
49	·263	38,424	15,370
50	·176	38,424	15,370
51	·157	38,424	15,370
52	·451	31,430	12,572
53	·294	31,430	12,572
54	·244	39,889	15,956
55	·263	39,889	15,956
56	·588	39,889	15,956
57	·276	39,889	15,956
58	·801	36,411	14,564
59	·544	36,411	14,564
60	·432	36,411	14,564
61	·388	43,311	17,324
62	·744	43,311	17,324
63	·276	43,311	17,324
64	·294	43,311	17,324
65	·257	40,244	16,098
66	·138	40,244	16,098
67	·244	40,244	16,098
68	·288	40,244	16,098
69	·482	40,244	16,098
70	·982	46,839	18,736
71	·969	46,839	18,736
72	1·376	46,839	18,736
73	·313	46,839	18,736
74	·469	46,839	18,736
75	3·164	29,765	11,906 Port Commissioners.
				28·298	29,93,443	11,91,978

APPENDIX IV.

Particulars submitted by the Suburban Municipalities.

Tollygunge Municipality.

- (1) Area .. 8 sq. miles.
 (2) Population .. 58,594 (census 1941).
 (3) Rateable value .. Rs. 18,81,800 approximately.
 (4) No. of holdings .. 9,478
 (5) Present arrangement of water-supply, drainage and lighting—
 (a) Water-supply.—Water is purchased from Corporation of Calcutta to the extent of 72,000 gallons (approximately) per day. Besides the municipality has seven big tube-wells at different parts of the municipality for water-supply.
 (b) Drainage.—The drains of the municipality are mostly kutchha and the surface drains are shallow. The municipality has no outfall of its own.
 (c) Lighting.—Streets are lighted with electric lights.

(6) Mileage of roads—

	Miles.
Metalled	... 27·53
Unmetalled	... 18·71
Total	<hr/> 46·24

Garden Reach Municipality.

- (1) Area .. 5 sq. miles.
 (2) Population .. 1,21,000 approximately at present.
 (3) Annual demand .. Rs. 3,96,294 at 19½ per cent.
 (4) No. of holdings .. 6,888

(5) Present arrangement of water-supply.—The water is supplied to the municipal area by means of underground pipes through street tanks on roads and lanes at suitable places. About 300 house connections have been given to ratepayers. The source of supply is mainly from the Calcutta Corporation (about 75,000 gallons per hour) and from 2 deep tube-wells constructed by the municipality which pump about 9,000 gallons of water each per hour. The Calcutta Corporation supplies water to an elevated reservoir which again is pumped by the municipal booster pump to the main.

(6) Drainage arrangement.—The drainage arrangement of the municipality is not at all good. There are 6 deep nikashi drains connected with small surface drains, the outlet of 4 of which is the river Hooghly, and the rest have got no proper outlet but fall into low marshy land. It is expected that the Government

will take up the drainage scheme of this municipality in a very short time.

(7) Lighting.—529 electric lamps are burning whole night in the whole of the developed area and partly in the undeveloped area. The electric energy only is supplied by the Calcutta Electric Supply Corporation, Ltd., while the posts and wires, etc., are provided by the municipality. About 360 kerosene lamps were burning in the undeveloped area, but they are now out of commission for want of kerosene oil.

(8) Road mileage—

	Miles.
(a) Metalled	... 22·23
(b) Unmetalled	... 3·40

South Dum Dum Municipality.

- (1) Area .. 5·98 sq. miles.
 (2) Population .. 25,858 (as per census of 1941).
 Present population 40,000 to 45,000 approximately.

(3) Rateable value—

	Per cent.
Rate on holding	8½
Lighting rate	3
Water rate ..	1 (for tube-well).
	5 (for filtered water street hydrants).
	7 (for house connection).

Conservancy rate 5

- (4) No. of holdings .. 3,800 approximately.

(5) Water-supply—

(i) partly by water received from Calcutta Corporation through Dum Dum Municipality.

(ii) partly by water from tube-wells supplied through mechanical pumps.

(iii) partly by water from tube-wells.

- (6) Drainage ... Kutchha.

- (7) Lighting ... Electricity.

(8) Road mileage—

	Miles.
Pucca	... 16·18
Kutcha	... 2·56
Total	<hr/> 18·74

Dum Dum Municipality.

(1) Area ..	1½ Sq. miles.
(2) Population ..	7,622 according to 1941 census : there has been at least an increase by 50 per cent.
(3) Rateable valuation ..	Rs. 5,50,000 (annual valuation of holdings)
(4) No. of holdings ..	868
(5) Present arrangement of water-supply—	

- (a) We obtain our supply of filtered water from the Calcutta Corporation. There are also a number of tube-wells to supplement the supply.
- (b) Drainage.—Surface drainage system is in existence. The outfall system is defective, the Cantonment Canal, Bagjola Canal, having silted up at all places.
- (c) Lighting.—There is electric lighting arrangement, the contracting firm being the Calcutta Electric Supply Corporation, Ltd.

(6) There are 8 miles of road, of which practically the entire length is metalled (mostly asphalted).

Baranagar Municipality.

(1) Area ..	3 sq. miles.
(2) Population ..	(i) 54,509 (census 1941). (ii) 90,000 approximately according to ration cards at present.
(3) Rateable value ..	Rs. 18,08,000 apprximately (total annual valuation).

Per cent.

(a) Rate on holdings ..	7½ on the annual value of holdings.
(b) Water rate ..	7 Ditto.
(c) Lighting-rate ..	3 Ditto.
(d) Conservancy rate ..	7 Ditto.

(4) Number of holdings .. 8,158

(5) (a) Water-supply.—Filtered water is supplied from the Baranagar-Kamarhati Joint Waterworks which were completely carried out under the supervision of the Chief Engineer, Public Health Department, Bengal, and came into operation with effect from 1939-40. The Waterworks were designed at that time to serve an estimated population of 50,000 only for this municipality, and were based on an estimated normal increase, say, for the next twenty years thence. But there has been an abnormal influx of population possibly due to the partition of Bengal, and as such, an expansion of the waterworks is immediately necessary to cope with the

abnormally increased volume of population especially in view of the summer season which is well-nigh at hand.

(b) Drainage.—There is no sewerage system in this municipality. Of the total surface drains serving an area of 1·42 sq. miles, 1·9 miles is pucca and the rest kutchha. There are in all 86 permanent coolies and 12 temporary for six months for cleansing of silt from the main drains. The Commissioners had to make the best use of the existing staff, as an increase in the number of coolies would entail an increase in the expenditure under the subsidiary head "conservancy", which has, for the last few years, been running at a continuous huge debit balance.

(c) Lighting.—Street-lighting is carried out by the Calcutta Electric Supply Corporation, Ltd., under an agreement duly executed between the said Corporation and this municipality. There are lamps on almost all the poles. The number of poles is 1,106 of which 276 are of 100-watt, 4 of 60-watt and 826 of 40-watt. The total number of poles is 1,221 only, of which 105 are idle. The rate charged by the Calcutta Electric Supply Corporation, Ltd., is 0·1·3 per unit plus 0·13·6 maintenance charge for each lamp per month for "A" class lamps and Re. 1·2 per lamp per month for "B" class lamps.

(6) Road mileage—		Miles.
(a) Metalled		... 26·02
(b) Unmetalled		... 3·03
		<hr/> 29·05 <hr/>

APPENDIX V.

Summary of discussions with the representatives of the Suburban Municipalities.

(1) Garden Reach Municipality.

The Commission met the following gentlemen at their office on Friday, the 25th March 1949, at 12-30 p.m. to discuss the question of amalgamation of the Garden Reach Municipality with Calcutta :—

- (1) The Chairman of the Garden Reach Municipality—Mr. S. M. Abdullah, M.L.A. (West Bengal).
- (2) The Secretary of the Garden Reach Municipality—Sri Kanai Lal Dass.
- (3) Dr. H. P. Neogy, President, Garden Reach Amalgamation Committee.
- (4) Sri D. N. Majumdar, Secretary, Garden Reach Amalgamation Committee.
- (5) Dr. Hrishikesh Paul, President, Garden Reach Congress Committee.
- (6) Sri B. B. Sur, Secretary, Garden Reach Congress Committee.
- (7) Sri Sunil K. Neogy, Member, Garden Reach Congress Committee.

In reply to the Commission, the Secretary, Garden Reach Municipality, stated that the area of the Municipality was about 5 sq. miles. Its present population was 1,21,000. According to census of 1931 its population was 55,872, and according to 1941 census the population was 85,188, and according to the A. R. P. census taken in 1945, the population was 1,04,260. The annual demand on the basis of 19 $\frac{1}{2}$ per cent. (inclusive of $\frac{1}{4}$ per cent. Howrah Bridge tax) was Rs. 3,96,294. According to enumeration held in 1945, the total number of holdings was 6,888, of which 6,679 represented houses actually occupied, 6,711 represented the number of assessed houses. The number of brick-built houses with pucca roof was 1,378, 1,936 being the number of houses with brick wall and roof other than pucca. The rest was either huts or vacant land. The total mileage of roads was 25.63, comprising 22.23 miles of metalled roads and 3.40 miles of unmetalled roads. As regards water-supply, the main supply was from the Calcutta Corporation. They had, however, 2 deep tube-wells which supply about 9,000 gallons of water each per hour. The water from the Corporation is stored in an elevated reservoir from which it is pumped into the main. With regard to drainage, the arrangement was not at all good. They have got 6 deep nikashi drains, the outlet for 4 of which is the river Hooghly and the other two have no outlet. They need a proper drainage system, connected with Calcutta, and it was for this that they want to be amalgamated with Calcutta. In reply to the Commission, the Secretary of the Garden Reach Municipality said that it was an industrial area. It had the following big industries:—

- (i) Lever Bros. Soap Factory.
- (ii) Garden Reach Workshop, Ltd.
- (iii) Ship Building Yard of B. I. S. N. Co.
- (iv) Ship Building Yard of I.G.N. & R.S.N. Co., Ltd.
- (v) Kesoram Cotton Mills.
- (vi) Clive Jute Mills.
- (vii) Union Jute Mills Co.
- (viii) Hind Gas Co.

He said that Garden Reach was a separate municipality up to March 1924, comprising the King George's Docks area plus the area of the present municipality. The whole of the area was amalgamated with Calcutta under the Calcutta Municipal Act of 1923, which came into force in April 1924, and the area remained as a part of Calcutta for 11 long years. It must be admitted that the ratepayers enjoyed better amenities during this period of 11 years. But still there was agitation from the very beginning for separation on the ground of poverty of the people and their inability to pay rates and taxes on the Calcutta basis; the reason being that about 80 per cent. of the people there are day-labourers and tailors. It was this agitation of the people which culminated in the area being separated from Calcutta under the Garden Reach Municipality Act of 1932, which came into force from 1st April 1935. Under this new Act, the Corporation was to pay an annual contribution of Rs. 2 $\frac{1}{2}$ lakhs to the Garden Reach Municipality as compensation for the loss of the King George's Docks area, which continued to be tacked on to Calcutta and which up to 1923 had yielded to the municipality an annual revenue of Rs. 5 lakhs or so.

Contradicting, Dr. H. P. Neogy said that the agitation started in 1929 when the rates and taxes were proposed to be realised on the Calcutta basis. There was a Committee appointed by the Provincial Government under the presidency of Mr. S. W. Goode, I.C.S., which expressed the opinion

that although there were no amenities on the Calcutta standard in the area, the valuation was raised and the rates and taxes proved to be a burden on the people of the area. Questioned by the Chairman of the Commission as to whether there was any resolution passed by the Garden Reach Municipality before its amalgamation, either in favour of or against the amalgamation, Dr. H. P. Neogy said that the ratepayers were against amalgamation not from the very beginning, but 4 or 5 years later. As a matter of fact this amalgamation was forced on the people. The ratepayers wanted to have the King George's Docks back, as they derived a big income from the Docks, and minus this income, they would not be in a position to provide the ordinary amenities, not to speak of amenities like those provided in Calcutta proper. There was a resolution of the municipality that if the docks were restored to them, they would not be willing to amalgamate.

The Chairman of the Commission said that as far as his recollection went, opinion was divided, but the majority of the people were in favour of amalgamation. In Sir Surendra Nath Banerjea's book "A Nation in Making", it was clearly stated that the opinion of the ratepayers of the municipality was generally in favour of amalgamation.

Q.—Since Garden Reach Municipality came within Calcutta, was there any resolution that the rates and taxes should be levied not at 19 $\frac{1}{2}$ per cent., but on a reduced percentage?

Secretary, Garden Reach Municipality.—We were not taxed up to the Calcutta level for the first few years. The valuation, however, was reduced, and rates were realised on the basis of 19 $\frac{1}{2}$ per cent.

Q.—When the area was separated from Calcutta, was there any reduction in rates?

Secretary, Garden Reach Municipality—Yes, the rates were scaled down.

Q.—Was there a general revaluation on separation?

A.—Yes. In 1935-36, the total demand was Rs. 2,15,000, and in 1936-37, it was Rs. 1,98,000.

Dr. H. P. Neogy.—The benefit of the reduction was not general. In some individual cases the rate was realised at 15 per cent.

Chairman, Investigation Commission.—What is the present attitude of the Garden Reach Municipality? Have they recently considered this question as to whether it should be re-amalgamated with Calcutta?

Secretary, Garden Reach Municipality.—No.

The Chairman of the Garden Reach Municipality, however, said that at a party meeting it was decided that the area should be re-amalgamated with Calcutta. The Chairman of the Commission enquired whether in view of the fact that the people of the Garden Reach Municipality were paying rates nearly on the Calcutta basis, without enjoying the amenities of Calcutta, it was not worth while to ask for re-amalgamation. In the report of the Rowlands Committee, it was stated that it was not desirable to have insanitary areas on the fringe of Calcutta, and that all the outlying municipalities bordering on Calcutta, either on the north or on the south, should be developed, and there should be separate Boards for water-supply, drainage, transport, etc., etc., or an *ad hoc* Committee to provide these major services, on which representatives of each of the municipalities would serve. In the interest of Calcutta these areas should be improved, particularly their sanitary condition. This was an alternative proposal made by the above Committee to what might be achieved by bringing them within the jurisdiction of Calcutta Corporation; if, however, it was not possible on any ground to do so, then the next

best thing to do would be to amalgamate these outlying municipalities *inter se*, so that they might pool their resources and initiate projects for their own development. This suggestion was referred to the municipalities concerned, and he took it that they expressed their opinion on this.

The Secretary of the Garden Reach Municipality informed the Commission that the Local Self-Government Department wanted to have their opinion as to whether they were willing to amalgamate with the other three municipalities on the south of Calcutta. Regarding the question of amalgamation with Calcutta, he said that the rates levied at present were already high enough and much beyond the capacity of the people to pay—and amalgamation with Calcutta would not make much difference. As already stated, the rates have been increased already from 15 per cent. to 19 $\frac{1}{4}$ per cent. on revaluation of holdings with effect from 1946-47, and this has fetched an increased income of Rs. 4 lakhs as against Rs. 2 lakhs before. He might inform the Commission that the younger section of the ratepayers were solidly in favour of re-amalgamation with the Corporation. Over two-thirds of the rates were realised from the various industrial concerns in the area, and they are also in favour of re-amalgamation, even though this would mean in their case payment of increased contributions, as the exemption regarding conservancy rates and the existing concession on valuation over 1 lakh, enjoyed by these concerns under section 128(2) of the Bengal Municipal Act would be automatically cancelled. The people believed that if there was re-amalgamation, they would get at least some of the amenities enjoyed by Calcutta, if not at once, at least in the course of the next 2 or 3 years.

The Secretary of the Garden Reach Amalgamation Committee said that if the area was re-amalgamated with Calcutta, it would get the benefits of the operations of the Calcutta Improvement Trust, and in this way they would get better roads, better lighting and better transport service.

The Chairman of the Commission said that he was doubtful whether the Calcutta Improvement Trust would be able to extend its operations to the Garden Reach area in the near future without additional funds being placed at their disposal. There will be no improvement in the income of the Trust by Garden Reach coming within Calcutta again.

In reply to the Chairman of the Commission, the representatives said that they were all unanimous that Garden Reach should be re-amalgamated with Calcutta. Dr. H. P. Neogy explained that the income from the King George's Docks was originally Rs. 5 lakhs, when it was a part of the municipality. The Docks have been retained by the Corporation, and by way of compensation for the loss of the area, the Corporation paid an annual sum of Rs. 2 $\frac{1}{2}$ lakhs, which was not enough. He would urge either that the contribution of Rs. 2 $\frac{1}{2}$ lakhs should be increased to Rs. 5 lakhs per annum, or that the King George's Docks area be returned to the municipality, in which case they would not demand re-amalgamation with Calcutta. He said that this separation of Garden Reach from Calcutta was effected against the wishes of the Corporation by the Provincial Government. They were now in favour of re-amalgamation, because they expected that they would not only get the benefits of the Calcutta drainage system, but also better amenities for the area.

The Secretary of the Amalgamation Committee pointed out that the people there had a fascination for the various improvements which were effected during the period the area was within the Corporation. They felt that whatever improvements in the area had been carried out were

effected by the Corporation, and since the separation of the area, there had been no improvements whatsoever. This was the reason why the people were almost unanimous that the area should be re-amalgamated with Calcutta. The crying need of the area was improvement of the drainage system, and unless the area was amalgamated with Calcutta, there was not the least chance of any improvement in the drainage system of the area. The chances of development of these outlying areas were more favourable now that they had a National Government, which was faced with the serious problem arising out of the partition of the Province, which had resulted in the influx of extra population into Calcutta, causing serious congestion, to relieve which it was desirable that these outlying areas should be amalgamated with Calcutta, so that the areas might be developed and improved, if not on the Calcutta standard, at least as far approaching it as possible in the course of the next 5 years or so, possibly with a subvention from the Provincial Government.

The Chairman of the Commission desired the Secretary of the Garden Reach Municipality to furnish him with a statement showing—

- (i) the income derived by the Garden Reach Municipality from the King George's Docks area in 1923;
- (ii) the income derived by the Garden Reach Municipality from the King George's Docks area after separation from Calcutta in 1935;
- (iii) income derived by the Calcutta Corporation from the King George's Docks area since 1935.

In reply to the Chairman of the Commission, the Secretary of the Garden Reach Municipality said that proviso to section 128(2) of the Bengal Municipal Act laid down—

"where the value of a building or buildings on the holding exceeds one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the value as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the Commissioners under section 135."

(2) South Suburban Municipality.

1. The Commission met the Chairman of the South Suburban Municipality, Sri Upendra Nath Banerjee, on the 16th March 1949 to discuss the question of amalgamation of either the whole or a portion of that municipality with the Calcutta Corporation.

2. The main object, as stated by the Chairman, for which this municipality wants to be amalgamated with Calcutta is to afford it facilities for the drainage of the area, which is very defective at present, and for adequate supply of drinking water. It was further represented by the Chairman (Sri U. N. Banerjee) that owing to the influx of more people there, this problem was getting more acute every day.

3. Sri P. C. Bose, Chief Engineer, Public Health Department, Government of West Bengal, and Sri N. R. Das, Executive Engineer, Drainage, Calcutta Corporation, who were present during the discussion, explained that there was no possibility of linking up any internal drainage scheme of the South Suburban Municipality with the drainage system of Calcutta Corporation without very extensive and expensive arrangements. The better plan, according to them, would be to make local arrangement for the drainage of the area, which is feasible.

4. The Chairman, South Suburban Municipality, represented that their financial position was not adequate for this purpose.

5. With regard to the question of amalgamation of the whole or part of the municipality, the Chairman Sri U. N. Banerjee said that he was in favour of amalgamation of the entire municipal area, and not in favour of amalgamation of the developed areas only.

On the Chairman of the Commission explaining the pros and cons of the proposed amalgamation, Sri U. N. Banerjee stated that he was convinced that the Calcutta Corporation would not derive any practical benefit by amalgamating the municipality with it. The main object of the Calcutta Corporation in seeking to incorporate the outlying municipalities was to improve the sanitary conditions of these localities, so that the health of Calcutta might not be affected adversely by the presence of these unhealthy and insanitary areas near its borders. With the amalgamation of a part of the municipality comprising a few wards only, as suggested by Sri Biren Roy, ex-Chairman, this purpose would not be served, because this area was already developed and its sanitary condition was not so bad as to cause any harmful effect on the bordering areas of the Calcutta Corporation.

6. The Commission, therefore, should not be justified in recommending that there should be amalgamation of some portion of the South Suburban Municipality with the Calcutta Corporation.

7. With regard to the incorporation of the whole of the municipality with Calcutta, as previously mentioned, the object was to improve the drainage and water-supply of the area. With regard to drainage, it was not practicable to link up Behala with Calcutta without incurring heavy expenditure. As mentioned already, the better plan would be for the municipality to develop its own drainage system, if necessary, with subventions from the Government of West Bengal.

8. With regard to water-supply, there was already a pipe line passing through the main road of the locality, and further extension of the pipe lines could not be effected now, as the water-supply of the city of Calcutta was not adequate for the huge influx of people into the city, and further expansion was necessary for the needs of Calcutta itself.

(3) South Dum Dum Municipality.

The Commission met the Chairman (Sri P. K. Guha), the Vice-Chairman (Sri S. K. Ghosh) and the Secretary (Sri K. M. Mukherjee) of the South Dum Dum Municipality on the 28th March 1949 at 1 p.m. to consider the question of amalgamation of the area with Calcutta.

In reply to the Commission, the Chairman of the municipality said that the present Board was formed on the 30th January 1948 with 7 Commissioners. The total area was nearly 6 sq. miles, and it had a population of 25,838 according to 1941 census; the present population was between 40,000 and 45,000. The municipality had a total of 18.74 miles of roads, of which 16.18 miles were pucca and 2.56 miles kutch. Rates were levied separately for holding, lighting, water, conservancy, etc., and the percentage was as noted below:—

Per cent.

Rate on holding ..	8½
Lighting rate ..	3
Water rate ..	1 (for tube-well)
Water rate ..	5 (for filtered water street hydrant).
	7 (for house connection).
Conservancy	5

They had a total of about 3,800 holdings. The area being contiguous to Calcutta, they received supply of water partly from the Calcutta Corporation through Dum Dum Municipality, partly from tube-wells which were fitted with mechanical pumps, and partly from street tube-wells with hand pumps. They had 624 electric lights in the area. Their only difficulty was with regard to drainage. They had a total income from rates and license taxes amounting to Rs. 1,67,000 approximately (Rs. 1,55,785 from rates and Rs. 10,700 from license fees) in 1948-49. A comprehensive scheme for water-supply through tube-wells was recommended some time ago, and it was now pending with the Provincial Government (Public Health Services, Engineering Department) for a scheme.

He said that he had consulted many of the ratepayers of the area, and they were not willing to amalgamate with Calcutta. Their main problem was water-supply and drainage. Although the people there were not satisfied with the amenities available there, still they did not want amalgamation with Calcutta. Their argument was that Cossipore and Maniktola areas were tacked on to Calcutta 25 years ago, and still the areas did not get any drainage system and other amenities which Calcutta proper enjoyed, although the people had to pay taxes on the Calcutta basis.

Chairman, Investigation Commission.—You are not satisfied with your present condition because you have not got proper drainage, but drainage will not depend upon amalgamation with Calcutta. The whole question of drainage of Calcutta as well as of your municipality and other outlying municipalities depends on the Bagjola Canal Scheme, which will be taken up as an independent project by Government. When this scheme matures, it will solve not only your drainage problem, but will solve Calcutta's problem and the drainage problem of outlying municipalities. Your point is that for the sake of drainage only, amalgamation is not desirable.

Chairman, South Dum Dum Municipality.—Yes. We do not expect that by amalgamating with Calcutta, it is possible to devise our internal drainage in such a way that it may be linked up with the Calcutta drainage system as it is at present.

Chairman, Investigation Commission.—Was this question ever discussed and seriously considered by your Board?

Chairman, South Dum Dum Municipality.—The question of linking up our drainage system with Calcutta has been the subject-matter of discussion for a long time, but nothing has come out of it. The Calcutta Drainage Committee's Report (Chapter III, page 10) contains a reference to the question of our municipality's drainage.

Chairman, Investigation Commission.—You may not immediately expect any benefits by amalgamating with Calcutta, but what are your actual objections to amalgamation? We have discussed the question of amalgamation with some of the outlying municipalities; some of them are willing to come within Calcutta, while there are some who do not want to come in.

Chairman, South Dum Dum Municipality.—Without any substantial benefits from amalgamation, we will have to pay increased rates. Ghughudanga, which area is within Calcutta, and which is just on our border, is paying rates and taxes on the Calcutta basis, but does not get the amenities provided for the city proper.

The Chairman (Sri P. K. Guha) said that their standard of valuation was low—as compared to Calcutta, and immediately the area was tacked on to Calcutta, the valuation would go up. They had asked Government already for a water-supply scheme, and when this scheme was undertaken and

completed, they would have no difficulty regarding water. In this connection, he informed the Commission that at present Calcutta made South Dum Dum a dumping ground for discharge of sullage water, and in this way the area was rendered insanitary—and still they never claimed any damage from the Corporation, which they could legitimately claim (refers to paragraph 8 of Mr. F. C. Griffin's Report on "the Bagjola Khal Problem"—copy filed). He was definitely not in favour of amalgamation immediately.

Chairman, Investigation Commission.—Taking the facts as they are, these outlying areas are bound to be urbanised sooner or later. The rural aspect of the country-side must go as the city pushed out. If your area, as well as other outlying areas contiguous to Calcutta, are amalgamated, it will accelerate development of the areas, if not immediately, at least within the next 2 or 3 years.

The Chairman of the South Dum Dum Municipality said that the question of grouping the three municipalities (Dum Dum, South Dum Dum and North Dum Dum) into one body was mooted long ago, but it was still awaiting consideration. He preferred grouping of two bodies, viz., Dum Dum and South Dum Dum, to amalgamation with Calcutta (Refers to paragraph 2 of Barrackpore Conference regarding reconstitution of Municipalities—copy filed).

(4) Dum Dum Municipality.

The Commission met the Chairman (Sri K. N. Tewary), the Vice-Chairman (Sri U. K. Dutt) and the Secretary (Sri B. C. Das Gupta) of the Dum Dum Municipality to consider the question of amalgamating the area with Calcutta on Friday, the 18th March 1949.

It was explained by the representatives that Dum Dum Municipality lay beyond South Dum Dum Municipality, which was contiguous to Calcutta. They also pointed out that North Dum Dum Municipality was practically a rural area and had not the amenities which their municipality enjoyed, particularly as regards water-supply. At present their municipality purchased water from Calcutta Corporation, and a quota for the South Dum Dum Municipality was supplied on payment. The water was stored in their own reservoir from which it was distributed through hydrants to the people and through house-connections given to some of the bigger holdings.

The representatives pointed out that Dum Dum Municipality comprised an area of only about 1 sq. mile, and the area was much smaller than that of the other two municipalities, viz., South Dum Dum and North Dum Dum. It had a population of only 7,600, according to 1941 census, and the number had since increased by about 50 per cent. Although the municipality was much smaller in area than the other two municipalities mentioned above, which respectively comprised about 6 and 7 sq. miles, it had been able to provide greater amenities for the people than the other two municipalities, which were not so well developed as theirs. They had a total of 8 miles of road, mostly asphalted.

The reasons for which they wanted to be amalgamated with Calcutta were (1) provision of a drainage system (including sewage), which was non-existent there, (2) a better system of water-supply, and (3) a good transport system connecting the area with Calcutta proper.

They pointed out that they had sufficient funds to meet their share of cost for providing these amenities. On being questioned as to whether a regular scheme and estimate for these developments had ever been prepared by them, they replied in the negative. They had, however, formed their idea from a general consideration of their financial position.

It was pointed out to them that the present position with regard to drainage of Calcutta was such that it would not be possible to extend it in the near future. The problem was technically complicated, and for this reason the drainage system could not be extended to Cossipore and Manicktola, although these areas had been amalgamated with Calcutta more than a quarter of a century ago. They were also informed by the members of the Commission that the present financial position of the Corporation was such that it would not be possible to take over any outlying areas, unless the Government of West Bengal made a substantial grant by way of subvention for providing amenities like water-supply, drainage, lighting, transport, etc., in these areas.

The representatives pointed out that their main difficulty was with regard to drainage and transport, and to remove these difficulties, they wanted to be amalgamated with Calcutta. They were financially quite well off; their annual rateable valuation was Rs. 5½ lakhs and their total consolidated rate was Rs. 1,15,000. They were, however, not able to undertake these major schemes independently, as there were many practical difficulties in carrying out the schemes. Further, such schemes for a small unit like the Dum Dum Municipality would be too costly. Besides, the municipality had got no qualified Engineers and technicians on their staff. Cossipore and Manicktola were already within Calcutta, and if the three municipalities (Dum Dum, South Dum Dum and Baranagar) could be amalgamated with Calcutta, the area would be sufficiently big enough to justify a co-ordinated and planned scheme of development for drainage, etc., for all these areas. Amalgamation of these areas with Calcutta Corporation would ensure a more or less uniform standard of civic amenities and stimulate a rapid development so necessary for relieving the congestion in Calcutta.

It was explained to them that even without amalgamation with Calcutta, it would be quite feasible to have independent boards for water-supply, drainage, lighting, transport, etc., with power to draw up a master plan and implement it, so that in the near future all these areas could be self-sufficient and would attain the standard of Calcutta proper. In this way their municipality would be relieved of providing drainage, water-supply, etc., in the area as an independent body, it being understood of course that they would have to contribute towards the total cost involved. This would make for unified control. The municipalities would, however, take up the ordinary services, such as conservancy, lighting, repair of roads, etc. In this way without amalgamation the municipalities would enjoy all the amenities of Calcutta.

The representatives were asked whether they had ever approached Government to render them assistance in the matter of improving the conditions of the municipality. They replied they had drawn the attention of Government on several occasions to the deplorable condition of the drains and outfall system, but had not submitted any precise proposals.

(5) Baranagar Municipality.

The Commission met to-day (Wednesday, the 23rd March 1949) the Chairman (Sri D. N. Chatterjee), the Vice-Chairman (Sri Mohan Lal Ghosh) and the Secretary (Sri Bipra Das Sen) of the Baranagar Municipality to discuss the question of amalgamation of the area with Calcutta.

In reply to the question as to whether they were willing to be amalgamated with Calcutta, the Chairman said that they were not in favour of the proposal. Their municipality has, barring a

drainage system, almost all the amenities which Calcutta enjoyed. As a matter of fact they have much better sanitation than Cossipore-Chitpore which came within Calcutta 25 years ago. They have a total of 29 miles of roads, mostly asphalted. They have also got electric lights, and a joint waterworks with Kamarhati Municipality. This waterworks was designed to serve an estimated population of about 50,000. Owing to the large influx of population recently, they were experiencing great difficulties in the matter of water-supply. At present the supply of water per capita was about 10 gallons per day. They received about 7 lakhs gallons of water from the Joint Waterworks, which had a total capacity of about 9 lakhs gallons. The area of the municipality was nearly 3 square miles, and the total population was, according to 1941 census, 55,000, but according to ration cards, it was nearly 90,000. The rateable valuation was Rs. 19 lakhs and odd. The total number of holdings was over 8,000, of which nearly 6,500 were pucca houses. They have got mostly detached buildings. The total annual revenue was Rs. 5 lakhs. This was only Rs. 3 lakhs before, but since the new Board was formed in February 1948, they have been able to increase the rate by over 55 per cent. The percentage of collection was 87, and they could have reached a percentage of 94 or 95, but for the many Government requisitioned buildings and railway properties, the rates in respect of which were under dispute.

In reply to a further question, the Chairman said that the accounts of the municipality were regularly audited by Government, and there were no adverse remarks. They have got no disruptive party factions there, and for the last 12 years the municipality was carrying on the administration very smoothly. He further stated that if there was adult franchise in their area, there would be no serious difficulty. The population was a mixed one. He agreed with the members of the Commission that in administration of local bodies as well as in Government, the franchise should be broad-based, but there should be a stable element all the same. Their great difficulty was with regard to drainage, and he would be very glad to get the advantage of the Calcutta drainage system, as envisaged in "Greater Calcutta" Drainage Scheme.

The Chairman of the Commission said that if it was possible to link up the existing drainage system of Baranagar with Calcutta, the drainage outfall of Calcutta might require to be enlarged, and naturally the Calcutta Corporation would expect a proportionate share of the cost involved from the Baranagar Municipality.

The Chairman (Sri D. N. Chatterjee) said that with their present resources, they were in a position to make a contribution towards the combined drainage scheme, if it actually matured, up to Rs. 25,000 annually for sinking fund, interest, etc. He might inform the Commission that for the joint waterworks, they had had no contribution from Government, and for the loan raised in this connection, viz., Rs. 4,66,600, they had to make a contribution of Rs. 25,000 annually to Government. Of this amount Rs. 11,000 represented capital and Rs. 14,000 interest. Besides, the municipality had advance loans of Rs. 22,500, Rs. 40,000 and Rs. 50,000 from the Government during the six years ending 1947-48 to meet part of the abnormally continuous deficit in the Conservancy Fund, and it will have to make an equitable payment of nearly Rs. 25,000 per annum from 1949-50, towards liquidation of the last two loans.

The Commission asked if it was suggested that in case they could solve the drainage problem of

the area independently or in conjunction with Kamarhati, there would be no need for amalgamation with Calcutta.

It was explained to the representatives of the municipality that it would be a good idea if Kamarhati could be absorbed with Baranagar, as according to them, the latter municipality was much more developed than the other and it was financially well off.

The Chairman (Sri D. N. Chatterjee) said that it was a very good idea and he had no objection to this proposal. As a matter of fact, his municipality needed expansion very urgently, and this expansion lay further to the north by absorbing either the whole or a part of Kamarhati. At present their area was congested. Fifty years ago, i.e., in 1899, the two municipalities were one and the same.

In reply to the Commission, the Chairman said that their intake was situated on the boundary line between Kamarhati and Baranagar. South Dum Dum Municipality was to their East. Their waterworks was situated near Dakshineswar Temple, on the Magazine Road—the border road between Baranagar and Kamarhati.

(6) Kamarhati Municipality.

The Commission met the Chairman (Sri P. Ghosal), the Vice-Chairman (Janab Shaik Muslim) and the Secretary (Sri B. B. Mukherjee) of the Kamarhati Municipality in the Central Municipal Office Buildings on Wednesday, the 30th March 1949, at 12-30 p.m., to discuss the question of amalgamation of the area with the Calcutta Corporation.

At the outset the Chairman (Sri P. Ghosal) said that his municipality consisted of 4 wards, viz., Kamarhati, Ariadah, Dakshineswar and Belghuria. The total area of the municipality was 4.04 sq. miles, and its population, according to 1941 census, was 42,000, but according to ration cards, it was nearly 1 lakh at present. Of the 4 wards, Belghuria was the most important, as it contained all the big industrial concerns. They had a joint waterworks with the Baranagar Municipality, for the construction of which the Provincial Government had advanced the necessary funds (Rs. 2,75,000), for the repayment of which they had to make an annual contribution to Government. The supply of water was sufficient, but owing to the present influx of population, they were experiencing some difficulty. He, however, felt the necessity of augmenting the supply of water at an early date. He expected that with the growth of population and development as also the rapid industrialisation of the area, it would be possible for them to undertake any scheme for augmentation of water-supply out of their own resources. They had a total of over 5,700 holdings, and the total mileage of roads was 30. Of this 17.4 was metalled and 12.96 was unmetalled. They had 6 to 7 miles of asphalted roads. Their total annual income, according to present year's budget, was Rs. 3,80,000, and he expected to have an annual income of Rs. 5 lakhs in the course of the next 2 or 3 years. The incidence of taxation was 24 per cent. This was charged separately for holding, conservancy, water and lighting. Under the Bengal Municipal Act, they could levy up to 27½ per cent. In the recent past, there was flushing from the river Hooghly, but owing to the level of the area having been raised, at present there was no flushing. The sullage and surface water used to flow into the Bagjola Khal, but owing to various reasons, this was not possible now, and sullage and surface water was through manual labour diverted from inhabited areas into

open fields and low lands, etc. They had a trenching ground, 15 bighas in area, where night-soil was disposed of. This trenching ground was situated about 2 miles from the centre of their area. It would thus be seen that their main difficulty was with regard to drainage and sewerage. The area had electric lights and the lighting arrangement was good. There was no epidemic and the general health of the people was good. There was no malaria. They had one municipal market at Belghuria, which yielded an annual income of Rs. 7,000. Besides, they had several private markets. There were khatals owned by private individuals, but their sanitation was looked after and controlled by the municipality. Barrackpore Trunk Road was their main arterial road, but there was another main road, though of lesser width than Barrackpore Trunk Road, running from Baghbazar up to Barrackpore through Baranagar, Dakshineswar, Ariadah, etc. There was a proposal to widen this road when Mr. R. Ghose was the Subdivisional Officer of Barrackpore, but nothing was known as to what happened to the proposal.

In reply to the Chairman of the Commission, the Chairman (Sri P. Ghosal) said that the people of the area were not willing to amalgamate with Calcutta, the reason being that the area would not get the necessary amenities, but all the same it would have to pay taxes on the Calcutta basis. Unequal combination was always disadvantageous to the weaker side, and the interest of his municipality which was very very poor, as compared to Calcutta, was bound to suffer. If, however, the Calcutta Corporation or any other authority provided drainage exclusively for this area or for this area along with other outlying areas, his municipality would be willing to contribute its share of the initial cost as also of maintenance cost, provided they had proper representation on the controlling body. But for this purpose, the Chairman did not want amalgamation with Calcutta or with any other local body.

Chairman of the Commission.—You are not willing to amalgamate with Calcutta. But what will be your attitude, if you remain an autonomous body as at present, looking after your own needs, but become a member of a larger organisation—or a federation of local bodies—which will be responsible for the basic services like water-supply, drainage, transport, lighting? This larger organisation will have independent powers, and it will receive grants from the Provincial Government as well as from the local bodies, and it will have authority to operate over the entire area divided into several zones. Thus, it may be that there will be a Transport Board to deal with transport, a Water Board for water-supply, a Lighting Board for lighting, and a Drainage Board for providing drainage. These Boards will operate as an integrated organisation over a large area comprising these smaller bodies. The Transport Board, for instance, will construct the arterial roads, but the feeder roads will be made and looked after by the local authority concerned. The day to day services will in fact be managed by the local bodies themselves. Their powers may, however, have to be restricted even in these respects, and certainly curtailed with regard to the major services, for which they will have to contribute their share of the costs.

The Chairman (Sri P. Ghosal) said that if there was a Board formed to undertake the drainage and sewerage scheme for the outlying municipalities, his municipality would be prepared to bear a proportionate share of the cost of the scheme, provided, as he had already stated, his municipality was given proper representation on the Board. He

might inform the Commission that he was not enamoured of the vision of "Greater Calcutta Scheme". This had no very alluring prospect for him. All the rural municipalities were in almost the same condition, living from hand to mouth. He would much rather prefer amalgamation with the outlying municipalities. He had already sent up a scheme for amalgamation of Baranagar, Dum Dum, Kamarhati, Panighati, Tittagarh, Barrackpore and Naihati Municipalities, as a matter of fact of all the riparian municipalities on the river Hooghly up to Naihati, to Government in response to a communication from the Provincial Government. These areas will form an "Outer Calcutta", and when these areas were sufficiently developed and all modern amenities were provided, it would then be time to consider the question of amalgamation with Calcutta. Rather than paying a higher level of taxation, without enjoying the amenities as are available in Calcutta, these areas would prefer to remain as they were and not ask for amalgamation. He wanted his municipality to rise gradually, and not all at once. As already stated, his area was fast developing and the sanitation was improving. He would thus prefer to build an "Independent Calcutta" rather than amalgamate, the reason being that the tax-paying capacity of the people was very limited, and they would be very hard hit if the area was amalgamated with Calcutta. He admitted that the standard of amenities provided in his area was much lower. If there was a guarantee that the same standard of amenities would be provided in his area as obtained in Calcutta, in the course of the next 2 or 3 years, without at the same time raising the level of taxation, he would perhaps be inclined to agree to amalgamation with Calcutta.

The Chairman of the Commission pointed out that one reason why Calcutta should try to absorb the neighbouring areas was to find an outlet for the surplus population which had poured into Calcutta since the partition. He was, however, surprised to learn that these neighbouring municipalities were also full of refugees, and they had not enough buildings to house this extra population, although they had got vast open lands which could be utilised for putting up buildings. This last fact was an advantage possessed by these outlying areas, which was not available to Calcutta.

In reply to the Chairman of the Commission, Sri P. Ghosal said that if Baranagar or any other outlying municipality was amalgamated with Calcutta in the near future, he would still wait and see how far and to what extent the standard of amenities was raised in these areas before he would consider the proposal of amalgamating his area with Calcutta. He said that the Commission would perhaps agree with him that Calcutta Corporation could not feel for his area to that extent as they would feel for it. Assuming that there was amalgamation of his area with Calcutta, his area would perhaps be represented on the council of the Corporation by one or two representatives, and their voice would be very feeble and probably they would go unheard whenever any scheme of improvement of his area was brought up for consideration. As stated before, it would be an unequal combination and the interest of the weaker side was bound to suffer.

Before retiring the Chairman, Sri P. Ghosal, requested the Commission to pay a visit to his area to see things for themselves.

The Chairman of the Commission said that if necessary, the Commission would inspect the outlying municipalities, and if they decided to visit any area, the municipality concerned would be duly informed in time.



सत्यमेव जयते

**Government of West Bengal
Local Self-Government Department**

**Report of the
Corporation of Calcutta
Investigation Commission**

Volume II

Part I

Final Report

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, Rs. 2-12; English, 4s. 11d.

REPORT OF THE CORPORATION OF CALCUTTA INVESTIGATION COMMISSION.

Final Report.

VOLUME II.

Part I.

CONTENTS.

CONTENTS.								Pages.	
CHAPTER I—Procedure of Inquiry	1
CHAPTER II—Form of Government	2
CHAPTER III—Assessment of Consolidated Rate	8
CHAPTER IV—Building Department	25
CHAPTER V—Collection Department	31
CHAPTER VI—Law Department	37
CHAPTER VII—License Department	42
CHAPTER VIII—Corporation Property	46
CHAPTER IX—Health Department	51
CHAPTER X—Water Supply	64
CHAPTER XI—Markets and Slaughter Houses	74
CHAPTER XII—Corporation Stores Department	88
CHAPTER XIII—Contracts	95
CHAPTER XIV—Drainage	124
CHAPTER XV—Lighting and Electric Department	132
CHAPTER XVI—Roads and Asphalt Department	136
CHAPTER XVII—Motor Vehicles	144
CHAPTER XVIII—Entally Workshop	146
CHAPTER XIX—Bustee	148
CHAPTER XX—Establishment	150
CHAPTER XXI—Primary Education	153
CHAPTER XXII—Conservancy	154
CHAPTER XXIII—Accounts	157
CHAPTER XXIV—Finance	173
CHAPTER XXV—Conclusion	192
CHAPTER XXVI—Summary of recommendations (under preparation)	193

Report of the Corporation of Calcutta Investigation Commission

Volume II

Part I.

CHAPTER I.

Procedure of Inquiry.

1. In June last the Commissioners submitted an interim report to the Government of West Bengal, consisting of seven chapters, which mainly dealt with the question of elections and the future constitutional set-up of the Corporation of Calcutta. The reason which led the Commissioners to decide on such piecemeal presentation of their report was to make it possible for the next General Election to be held with a view to reconstitute the Corporation on a new basis before the end of March 1950, and thus avert the necessity of a further extension of the period of its supersession.

2. Chapter I was introductory, and generally indicated the matters which it was proposed to deal with in the report. Chapter II attempted a historical survey of the evolution of municipal government in Calcutta from the very beginning. Chapter III, which dealt with abuses in connection with Corporation elections, the immediate subject of the report, recommended the setting up of a new authority for the conduct of elections, independent alike of Corporation and of Government control. Chapter IV was devoted to an examination of the basis of franchise, which the Commission recommended should be substantially enlarged. Chapter V suggested a reconstitution of the electoral divisions of Calcutta on the basis, as far as possible, of area and population, if not also of rateable valuation, increasing the number of wards from 32 to 75, and necessarily reducing the size of each. Chapter VI dealt with a scheme for remodelling the constitution of the Corporation on the lines of the London County Council, while Chapter VII discussed the question of inclusion of neighbouring municipalities within the municipal limits of Calcutta, neither of which proposals the Commissioners saw their way to recommend.

3. The Commission proposes now to submit its final report on the administration and finances of the Corporation, in which it will have to deal with the working of the Corporation in its various departments and make its recommendations for improvement of the municipal services. This is perhaps the more important part of the Commission's investigation, which should normally have received priority over that dealt with in the interim report. Our first task will be to indicate the procedure which the Commission followed in its inquiry.

4. As already stated, the Commission started functioning on the 21st April 1948. On the 26th of that month the Commission issued an appeal to the public through the Press, inviting the help and co-operation of all persons interested in the improvement of Calcutta's municipal administration (*vide Appendix V*). Private individuals as well as public organisations were requested to come forward without hesitation and place the Commission in possession of such relevant facts and materials within their knowledge as were likely to assist it in its investigation. The Commission had no power to take executive action or to give directions to the executive in regard to any matter, and could not, therefore, entertain complaints in respect of day-to-day administration. Subject to this limitation, the Commission made it clear it would welcome written memoranda from the public on any subject relating to Corporation administration or finance, and would also be prepared to examine witnesses *in camera* or in public, if and so far as this might be found necessary.

5. A Press Conference was afterwards held on the 11th May 1948, at the Central Municipal Buildings, where the Commission's office was located, at which the Chairman explained at length how the citizens of Calcutta could help the Commission in its work. It had been asked why the Commission had not issued a questionnaire: the reason was that the Commissioners were anxious not to limit in any way the scope and character of the assistance which they expected. The terms of reference to the Commission under the statute were very wide, and embraced the whole field of the city's municipal administration, and it was, therefore, open to the public to furnish informations or suggestions regarding any matters connected with the working of any of the departments or the administration of any of the municipal services. A cordial invitation was extended to all concerned to cite specific instances of maladministration, corruption, inefficiency or wilful contravention of municipal laws and regulations which they knew of or about which they had information. The Commission was not unmindful of the inherent difficulties which lay in the way of the public in bringing all such cases to its notice. In many cases, parties might not find it possible for lack of precise information to lay their finger on the source of inefficiency or corruption, though they might have been the victims of either. In many cases, again, willingly or unwillingly, the persons concerned, might have been participants themselves in the transactions which they were expected to report. Subject to such obvious handicaps, the Commission felt there was still sufficient scope for the public to be of real help in the inquiry.

6. Although the Commission did not issue a questionnaire focussing attention on specific points, the Chairman categorically called attention to most of the important questions on which the public could enlighten the Commission. Thus, as regards the alleged progressive deterioration of the Corporation under Act III of 1923, the public might have a good deal to say about the matter. They might show, for instance, whether and to what extent the spirit and object of the new Act had been defeated in actual working by the operation of factors and forces never contemplated by the framers of the Act: whether and how far the Corporation had suffered by reason of the domination of political, communal or other extraneous influences of a like kind: how far, again, the administration had suffered by reason of failure of Government co-operation or by reason of Government interference: in particular, what had brought about the financial crisis of the Corporation: how far it was due to administrative inefficiency or corruption or both, and how far to circumstances beyond the control of the Corporation—such as, abnormal increase of population; exigencies of the war and its aftermath, famine, riots and civil disorders, labour troubles and general economic conditions: and how far, again, Corporation administration had been hampered by Councillors interfering with the legitimate bounds of their authority. The public might also help the Commission by pointing out how far municipal funds had been spent for legitimate purposes or for purposes other than legitimate: and where there were opportunities for unlawful gain on the part of municipal employees, whether these were winked at by authority or exploited, leading to general corruption and loss of Corporation revenue. As regards assessment, which was a subject of general complaint, parties might cite specific instances of undue or unfair assessment or of evasion of assessment, with details, wherever possible. On the

question of collection, parties might again give instances of gross neglect or deliberate omission on the part of the collecting agency. The public might also call attention to specific cases of violation of the building rules and regulations, and state, if they could, how far such violation had been procured by undue influence or improper means. Corporation contracts, again, were a prolific source of unlawful gain at the expense of the Corporation, with or without the connivance, knowledge or help of Corporation officials or Councillors, and there ought to be persons who would throw light on many a shady corner in this wide domain. Suggestions could also be made as to how the Corporation might be brought nearer to the citizen, and generally made more responsive to public demands and more respectful of public opinion.

7. The list of questions indicated did not profess to be exhaustive, but it was enough to show how futile it was to expect any one to be able to cover all or nearly all the points which a questionnaire, if issued, was bound to include. The Commissioners were accordingly content to issue a general appeal to the public, as already stated. Response to the appeal was, however, not so wide or enthusiastic as one should have expected. The Commissioners set no limit to the time within which memoranda might be submitted; still the number of memoranda received just exceeded 700, and of these, notwithstanding the warning which had been given and repeated more than once, quite a large number related to specific complaints calling for immediate action by the executive. Some of the memoranda, however, were very helpful, not only for their objective presentation of facts, but for their well-thought-out views and suggestions. To all our correspondents we desire to express our obligations.

8. Another early step which the Commission took was to convene a Conference of all the principal officers of the Corporation, including all the Heads of Departments. Apart from the Chief Executive Officer and the two Deputy Executive Officers, they included the Chief Engineer, the Health Officer, the Chief Accountant and the Secretary—all statutory officers; as also the following, all of them non-statutory: Chief Law Officer, Collector, Assessor, License Officer, Treasurer, City Architect, Chief Valuer and Surveyor, Executive Engineer (Drainage), Executive Engineer (Waterworks), Civil Engineer (for supervision of C.I.T. works in progress), District Engineer I, District Engineer II, District Engineer III, District Engineer IV, Education Officer, Manager, Entally Workshops, Lighting Superintendent, Controller of Stores, Superintendent of Printing, District Health Officer I, District Health Officer II, District Health Officer III, District Health Officer IV, Mosquito Controlling Officer, Chief Analyst, Superintendent of Motor Vehicles, Superintendent of S. S. Hogg Market, Editor, *Calcutta Municipal Gazette*, Superintendent, Asphalt Department, and Officer-in-charge of the Commercial Museum and Publicity Department. A printed circular was issued (Appendix VI) to all the Heads of Departments, asking for information under specified heads. The replies received were very helpful, particularly in enabling the Commissioners to follow the organisational structure of the various departments, if not the details of the administrative procedure in all cases.

9. Apart from the information derived from memoranda received from the public, and from the departmental reports in answer to the circular referred to above, and apart also from the evidence of witnesses examined *in camera* or at public sittings (of which there were 21 in all), the Commission had to collect and collected a considerable volume of materials from an examination of the records and documents of the Corporation, and from personal discussions and interviews with

different officials of the Corporation. A list of the witnesses examined in public or *in camera* is given in Appendix VII, together with extracts from the evidence of some of them. In another appendix (Appendix VIII) will be found extracts from some of the important memoranda received by the Commission. A Press-note, which the Commission thought it fit to issue in view of some criticisms which had appeared in a certain section of the Press regarding the progress of the inquiry, is also set out in Appendix IX.

10. The Commissioners also held a number of local inspections, though they were not quite so numerous or so frequent as might have been desired. Several inspections were caused to be held by a special Investigation Officer attached to the Commission. One particular matter which the Commission was called upon to investigate related to alleged unauthorised cultivation of extensive tracts of Corporation surplus lands on either side of the Kulti Outfall Channels. Another specific matter which the Commission had to inquire into at the instance of Government was the diversion of sewage by the Corporation from the Outfall Channels to feed certain private fisheries in the Bamanghat Union of 24-Parganas, which was alleged by the villagers to have caused a nuisance in the locality. Both these inquiries involved a number of visits to the locale, as well as the taking of oral evidence, and occupied a good deal of the Commission's time and attention. The Commission in due course submitted its reports of the inquiries to the appropriate authorities, for necessary action. The reports are to be found in Appendix X.

11. Reference must be made in this connection to a special tour of inspection on which the Chairman took out His Excellency the Governor of West Bengal, Dr. Kailash Nath Katju, with a view to show him some of the notoriously insanitary areas within the city, and give him an opportunity to study at firsthand the conditions under which a section of Calcutta's population lived. The Administrative Officer and the Chief Engineer of the Corporation accompanied the party. His Excellency evinced considerable interest in the matter, and recorded a full note of the inspection, of which he was pleased to send a copy to the Chairman (set out in Appendix XI).

12. It remains only to refer to the discussions which the Commissioners had with the Hon'ble Premier of West Bengal, Dr. B. C. Roy, on certain general problems, in particular on the question of Greater Calcutta. A summary of these discussions will be found in Appendix XII. Apart from this, the Chairman kept himself in touch with the Hon'ble Premier during the period of investigation.

13. To complete the account, it may be mentioned that the Chairman had an opportunity of a discussion with His Excellency the Governor, Dr. K. N. Katju, on the Interim Report of the Commission.

CHAPTER II.

Form of Government.

1. In our interim report we have advocated a democratic constitution for the Corporation of Calcutta on the basis of adult franchise, but not indicated the form and structure of municipal government which should be framed on that basis. A democratic constitution implied democratic control over the government of the city, but the question is what is to be the nature and extent of such control so as not to impair efficiency of administration. It is no more *a priori* doctrine, but dearly bought experience of many countries, that a representative body, even if small, is not quite a fit instrument for the effective discharge

of executive functions. For one thing, such an arrangement does not admit of effective integration of authority with responsibility; for another, it does not secure administration against political party or other kinds of ulterior manipulation. It should doubtless be the right and duty of elected representatives of the people to reflect the popular will in the administration, but it is one thing to know and make known how the citizens want the city to be governed or what they want the city government to do for them; it is quite a different proposition for them to claim the right on that account, either collectively or severally, to take a hand in the actual business of administration, or to interfere with the officials charged with the transaction of administrative business. After all is said and done, administration of a city is a specialised job requiring considerable executive ability, and in determining the type of city government, it should, therefore, be essential to avoid two dangers: (1) the diffusion of responsibility among a municipality of authorities, and (2) the placing of amateurs in charge of administrative work.

2. The form of government in any municipality is, therefore, a matter of the greatest consequence. Government must be administered by men, and the personnel of public offices, both elective and appointive, is important, but, as has been well said, while a skilled workman may secure fair results with poor tools, he needs the best of tools to secure the best results. We have already seen the various forms of government which were adopted from time to time in the municipal administration of Calcutta, both before and after the introduction of the elective principle. It is not necessary to recapitulate the history again, but it is sufficient to point out that the best results were achieved only when administration was *de facto*, if not *de jure*, concentrated in the hands of a single strong functionary. An outstanding feature of local government organisation, as of parliamentary government, in the United Kingdom has been to vest responsibility for administration in a Council rather than in an individual, and following the British model, such group administration has almost always been also a feature of Calcutta's civic government, at any rate, since it came to be placed on a representative basis, however, limited. All the same, there is no gainsaying the fact that a period of municipal progress and expansion has invariably coincided with the regime of a strong executive, functioning without interference by popular representatives. The great problem, therefore, is, how to devise a system of government which, while sufficiently subject to democratic control, and sufficiently responsive to public opinion, will still be capable of efficiently rendering those services which the community have a right to demand. In other words, the question is, how to make democracy work efficiently.

3. Calcutta need no longer be tied down to the British model, but may fashion its constitution in the light of its own experience as well as the experience of other countries besides the United Kingdom. Of all countries in the world, the United States of America may perhaps claim to have made the most extensive and varied experiments in the art of municipal government, which, though not entirely discarding the Anglo-Saxon tradition of elected municipal councils, are still a departure from it in a vital respect in so far as they have tended more and more towards government by an individual rather than by a council or a committee.

4. Generally speaking, it may be stated that four different types of government structure have been tried in American cities. In the order of their effectiveness they may be listed as follows:—

- (1) Council-Manager form,
- (2) Strong Mayor-Council form,

(3) Commission form,

(4) Weak-Mayor-Council form.

5. The Weak Mayor-Council form was most in vogue during the 19th century, when a theory was current that democracy was best served by directly electing as many officials as possible. The following were the main characteristics of this plan:—

- (1) a city council with committees delving into details of administration;
- (2) an elected mayor (with executive powers and not a mere ceremonial head);
- (3) most administrative heads elected, including treasurer, solicitor, and some or all other heads of departments;
- (4) elected administrative boards or committees.

6. It did not take long for the system to reveal its inherent defects—lending itself easily to political manipulation, and failing to provide for competent administrative personnel or a unifying responsible executive head.

7. The commission form of government was little more successful. It was first started in Galveston, Texas, in 1900, when a tidal wave brought the necessity for quick governmental action. A new form of government was conceived and adopted as an emergency measure. There was no separate council, an elected legislative body of five members who were also heads of the administrative departments. The points in favour of this type of government were these:—

- (1) it concentrated responsibility in a small group;
- (2) it was simple and easily understandable by the voters;
- (3) it avoided friction between the legislative and executive branches;
- (4) it provided a short ballot;
- (5) it provided election at large rather than by districts.

8. The chief fault of the commission form was that it made no organisational distinction between the policy-making function of government and the administrative function. Executive responsibility, again, was not concentrated but divided. Another defect was that persons meant for technical administrative work were selected by election. The process of election, however, can seldom carry to office men who have the talent for administration. Personality, connections, backing, a political organisation, are the factors which produce votes. A good administrator may not, and frequently does not, have these attributes. Moreover, those men who have the qualities necessary to successful public administration are rarely willing to run for office under conditions like those of the commission plan. Another most serious shortcoming was the failure of this plan to provide an executive head for the government. History shows an impressive record of failure with the multiple executive form. Even parliamentary forms of government give one of the ministers the title and powers of an executive. But while under the commission plan one official was designated mayor, he was legally no more than a chairman for the commission while it was exercising its legislative role. The mayor had no authority over his fellow commissioners in their administrative roles. The result of the lack of an executive head was that there was no brake on the activities of each department, and no co-ordination either between the activities of the departments. Executive responsibility was not concentrated but divided, and in case of some serious administrative error or misdeed, there was no one on whom the legislative body or the voters could fix blame.

9. The strong-mayor form has been more successful than either the weak-mayor plan or the

commission form. In practice it too developed serious weaknesses. It is still in use in many cities. This plan has commonly the following characteristics:—

- (1) a city council elected by wards or at large;
- (2) a mayor elected at large;
- (3) the mayor vested with power to "hire and fire" most or all departmental heads;
- (4) the mayor entitled to veto acts of council;
- (5) the mayor to prepare the city budget for consideration of the council.

10. The chief defects are:—

- (1) the difficulty of electing a mayor who has real executive ability and knowledge of the job;
- (2) the opportunity provided for the mayor to build up a powerful personal political machine.

The strong-mayor form automatically corrects one of the most serious defects of the commission form—lack of a single responsible executive head. It also eliminates the danger of union of administrative and policy-making functions. The council is responsible for legislation and policy-making, while the mayor's job is administrative except in his power to veto acts of the council.

11. But the strong-mayor form does not eliminate other serious defects of the commission form. First of these is the lack of administrative expertise. For the same reason that trained municipal executives are not normally elected to a city commission, only by chance would a qualified administrator be elected mayor, although the chances of electing a single good administrator may be better than those of electing five. Nevertheless, seldom does election produce even one good administrator. It does almost invariably produce politicians. Occasionally when a mayor is elected who is competent to direct the complicated business of the city, the strong-mayor form of government is at its best; but such cases are rare.

12. Even when a strong executive does happen to be elected mayor, there are serious obstacles in the way of successful government. The very effort to achieve election inevitably carries with it strong political obligations, and the mayor's comprehensive power to make appointments to and direct the workings of the various departments provides a convenient avenue for the discharge of those obligations. The result is, any mayor is almost always forced to play politics with the city administration. Another inherent defect in this form of government is the possibility of deadlock between the mayor and the council. Since the Council control the purse strings, it may stop the mayor at any point. But the mayor may block the council with his veto power. Therefore, political differences between mayor and council may impede the day-to-day administration.

13. To correct some of its defects, a variation of the strong-mayor form has been tried, which involves the employment of a chief administrative officer by the mayor. It is an attempt to combine professional administration with an executive who is elected.

14. The form of government which tries to avoid or remedy many of the difficulties of the other forms of government is the council-manager type, which includes a council elected by the people, a mayor or president of the council for the performance of ceremonial duties, and a chief executive or city manager, appointed by the council to serve as executive head of the city for an indefinite term.

15. The council-manager form preserves the advantages claimed for the commission form of

government, while at the same time it avoids the objections to the commission form in that—

- (1) administration and legislation are kept separate;
- (2) the ideal of a single-headed executive is realised;
- (3) council men need be legislators only, and no combinations of legislators and executives;
- (4) the composition of the council is not hampered by executive considerations;
- (5) practically speaking, there is a wider range of choice for the executive head of the city, and therefore abler administrators may be chosen.

Most cities in the United States have now adopted, and are still adopting, the council-manager plan. In a very few cases, strong political machines have retained their hold on the council, a non-expert manager has been appointed, and politics has been injected into administration. But this is the exception and not the rule. In almost all cities the experience with the manager plan has been favourable—increased efficiency, better public services, and easier voter control of government at the polls.

16. As already stated, the council-manager plan clearly differentiates between the policy-making function and the administrative function of government. The people elect the council, which makes governmental policy, controls the raising and appropriation of funds, levies taxes and contracts debts. The council also chooses the manager, whose duty it is to carry out its policies, spend the funds it has appropriated, supervise the work of the administrative departments, and make all appointments.

17. A distinct line is drawn between the duties of the council and the duties of the manager, and it is made illegal for councilmen to interfere with administration. No administrative authority is given to the council, except the employment and the discharge of the city manager. This plus the requirement of independent annual audit gives the council adequate check on the administration for the carrying out of its purposes as a policy-determining body.

18. Unlike other forms, the administration of government under the council-manager form is not likely to be handled by amateurs. The council is required to appoint a manager solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office.

19. There can be no doubt that a good deal of the success of this form of government depends on the right choice of the city manager. He must be a person with a firm belief in the dignity and worth of the services rendered by government and a deep sense of his own social responsibility as a trusted public servant. He should be governed by the highest ideals of honour and integrity in his public and personal relationships in order that he may merit the respect and inspire the confidence of the administrative organisation which he directs and of the public which he serves. He should in no sense be a political leader. In order that policy may be intelligent and effective, he should provide the council with information and advice, but encourage positive decisions on policy by the council instead of passive acceptance of his recommendations. He should realize that it is the council, the elected representatives of the people, which is entitled to the credit for the fulfilment of municipal policies, and will leave to the council the defence of policies which may be criticised. In order to preserve his integrity as a professional administrator he should resist any encroachment on his control of personnel, insist

on the exercise of his own judgment in accomplishing council policies and deal frankly with the council as a unit rather than secretly with its individual members. He should handle all matters of personnel on the basis of merit and not on political, religious or racial considerations.

20. It is not expected that the manager should be an expert in all branches of administration, or that he should personally attend to all the multifarious details of administration. He will select his departmental heads and subordinates wisely, and make use of their knowledge in performing his task of supervision and co-ordination, devoting more time and energy to the larger problems of over-all administration.

21. Although the manager is the pivot of the administration in the council-manager form, the council will hold the key to the success or failure of the plan, in so far as it will be the body selecting the manager, determining policies, and co-operation and working with the manager. The very fact that under this plan the council will be freed of responsibility for administrative details, will help to attract to it men of greater ability—community leaders—able and willing to give their thought and time to general policies and programmes. There need be no fear that the manager will become a dictator. There is no record of such a thing occurring in any of the American cities where the council-manager plan is in operation. On the contrary, the manager's immediate responsibility to the council makes him more genuinely subject to democratic control. While his authority over administration will be complete, the council will have power to dismiss him, if his work should prove unsatisfactory, just as a board of directors of a business organisation may dismiss its manager.

22. Of all forms of government the council-manager form makes the job of the citizens easy, makes it so much easier that the citizens can understand how it works, and make it work. But it need hardly be emphasised that if the citizen fails to play his role in the democratic process, then a bad government is likely to result, whatever the form of government.

23. With the experience of American cities before us, we have seriously considered whether the council-manager plan may not be fitted into Calcutta's municipal government as the best remedy for the abuses and weaknesses which it has developed. The germs of the council-manager plan may be said to have been implicit in the constitution under Act III of 1923, in so far as it provided for an elected council (though not wholly so), a ceremonial mayor to be elected by the council itself, and an officer, corresponding to the manager, to be appointed by the council as the principal Executive Officer of the Corporation, constituting on the whole a set-up, which, there was no reason to suppose, would not produce efficient administration. Unfortunately, however, out of what must now be regarded as an exaggerated anxiety to give the Corporation a wide democratic character, all powers, duties and functions, legislative as well as administrative, were expressly vested in the Corporation, and the Chief Executive Officer was left to exercise his authority (except as regards a few matters like assessment, and elections) only by virtue of delegation by the Corporation. The Corporation was also empowered to delegate its powers, executive or otherwise, to committees, and this, again, entrenched further upon the authority of the Executive Officer.

24. We shall see hereafter how the powers of delegation varied from time to time according to the whims and caprices of the Councillors, and reduced the Chief Executive Officer to a position of complete subservience, so much so, that even in matters in which the Chief Executive Officer had statutory powers, individual Councillors had their way. We are fully satisfied, after examining the

affairs of the Corporation, that it was this weakness of the Executive, and the scattering of responsibility among Committees charged with executive powers, that constituted the root cause of the maladministration in every department of the Corporation. In England, the committee system of government still continues, but public opinion there is a powerful corrective. That unhappily, as experience has shown, is a sad desideratum here.

25. We now proceed to give a general outline of the plan of municipal government we recommend for Calcutta, which will be democratic, that is to say, responsive to the electorate, and at the same time capable of efficiently translating the intentions of the voters into effective administrative action as promptly and as economically as possible.

26. For the accomplishment of this democratic purpose, our scheme concentrates all the powers of the Corporation in a single council of elected representatives with full responsibility for determinations of policy. In order to obtain administrative efficiency, it concentrates the actual administration in a single administrative officer who is appointed by, and is at all times responsible to the council. Under this scheme there can be no avoidance of responsibility either by the people's representatives for determinations of policy or by the administrative officer for the actual administration.

27. The plan is based on the concept of entrusting administration to men trained in municipal management, which assumes the building up of a profession of public management. In America this assumption has already been realised, and there now exists there a substantial body of trained municipal administrators on which local governments may draw. Colleges and Universities have recognised this field as one of the newly developed professions and are giving the needed instruction. The city managers have their own professional organisation, devoted to the maintenance of high standards. There is no reason why a serious attempt should not be made in this country to provide similar courses of instruction in municipal administration. There should be increasing recognition that the administration of cities can and should be improved, and the training of competent personnel should be an essential part of that process. As we have said before, the success of the city manager plan depends upon the availability of qualified personnel for the position of managers. So long as specially trained men are not yet available here, men of general executive and administrative ability will have to be chosen. But the earliest steps should be taken for setting up special institutions for training.

28. We recognise that under the council manager plan, the smaller the city council, the more efficient it is. From this point of view, a council of 75, as we have recommended in our interim report, may appear too large, but we have been guided by a desire to avoid sudden and violent change from the past.

29. We have already recommended that the council should select a Mayor and Deputy Mayor from among their own number. The Mayor shall be recognised as the head of the city government for all ceremonial purposes, but shall have no regular administrative duties. The Deputy Mayor shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term.

All powers of the city and the determination of all matters of policy shall be vested in the council. Without prejudice to the generality of this provision, the council shall have power to—

(i) appoint and remove the City Manager or Chief Executive Officer;

- (ii) establish and distribute the work of administrative departments and divisions of departments;
- (iii) adopt the budget of the city;
- (iv) authorise the raising of loans and the issue of debentures;
- (v) enquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (vi) appoint the members of the personnel board, if established;
- (vii) appoint the members of the planning commission, if established;
- (viii) provide for an independent audit.

At the end of this chapter we have attempted to indicate, with reference to the provisions of the present Calcutta Municipal Act, the powers, duties and functions, which should be vested in the council. (The list will require modification to fit in fully with the schemes we have recommended.)

It will be desirable also to provide that the council, on the recommendation of the Chief Executive Officer, may establish appropriate administrative areas or districts in order to provide conveniently located public offices for the actual purpose of municipal service. Each area or district should be in charge of an administrative assistant to be appointed by and under the control of the Chief Executive Officer and to act as his representative in the area. Citizens may make enquiries, have access to public records, report complaints, pay taxes and transact other business at such branch offices, thus expediting the handling of administrative matters directly by administrative officers of the city, leaving the council-men free to attend to policy and legislation.

31. We suggest that the statute should specifically provide that neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of enquiry, the council and its members shall deal with the administrative service solely through the Chief Executive Officer, and neither the council nor any member thereof shall give orders to any subordinates of the Chief Executive Officer either publicly or privately. Any council-man violating the provisions of this rule, or voting for a resolution in violation of this rule, shall be guilty of an offence for which he shall be liable to prosecution.

32. As stated before, the Chief Executive Officer shall be chosen by the council "solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect of the duties of his office". At the time of his appointment he need not be a resident of the city, but during his tenure of office he shall reside within the city. He shall be the head of the administrative branch of the city government, and be responsible to the council for the proper administration of all affairs of the city, and to that end, subject to any provision of the Act, he shall have power and shall be required to:

- (1) appoint and, when necessary for the good of the service, remove all officers and employees of the city, except as otherwise provided by the Act, and except as he may authorise the head of a department or office to appoint and remove subordinates in such department or office;
- (2) prepare the budget annually and submit it to the council and be responsible for its administration after adoption;

- (3) prepare and submit to the council as of the end of the financial year a complete report on the finances and administrative activities of the city for the preceding year;
- (4) keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
- (5) perform such other duties as may be prescribed by the Act or required of him by the council not inconsistent with the Act.

33. As in American cities which have adopted the city-manager plan, the Corporation shall appoint the Chief Executive Officer for an indefinite term and may remove him by a majority vote of its members. We think his appointment and dismissal shall continue to be subject to the approval of Government in order to give him a certain security of tenure so that he may not be at the mercy of influential Councillors who may carry whatever they like by a majority. Further safeguards may also be provided against his unwarranted removal. For instance, it may be desirable to lay down that the council shall by a majority vote of its members first adopt a preliminary resolution stating the reasons for his removal. The Chief Executive Officer may reply in writing and request a public hearing, after which and after full consideration, the council may by a majority vote adopt a final resolution of removal. He may be protected against financial loss to the extent that the council shall be bound to pay him his salary for 3 months following the adoption of the preliminary resolution for his removal.

34. As at present, the Chief Executive Officer shall be entitled to a seat in the council, but shall have no vote therein. He shall have the right to take part in discussions in all matters coming before the council. The heads of departments and such other officers as may be designated by vote of the council shall also be entitled to be present at a meeting of the council and take part in all discussions relating to their respective offices, departments or agencies. It need hardly be pointed out that the administrative officers, though in form they are merely to carry out policies, may still to a large extent be instrumental in determining what those policies will be. Many policies in fact are bound to originate in the administrative departments.

35. We think that the Chief Executive Officer should have a large voice in determining the structure and organisation of the administrative branch of the government, though the final control will remain with the council. To secure optimum results in efficient and economical implementation of policies, effective supervision and control by the executive head is not enough, but sound organisation is equally important, including the type of personnel as well as the administrative structure. Administrative organisation or structure may be looked upon as a tool by which the executive head will perform his duties, and he should, therefore, be allowed largely to determine the most effective tool to secure the desired result. The council will of course exercise the greatest degree of control over the administration through the power of the purse, but the selection and removal of departmental heads or the power to approve appointments made by the Chief Executive Officer to administrative positions, may also be of value.

36. The success of a city government in performing the functions entrusted to it depends to such a large extent upon its system of personal administration that we consider it very important, whether the council retains in its hands the final power of approval or not, that appointments and promotions in the administrative service of the

city shall be made according to merit and fitness, to be ascertained, as so far as practicable, by competitive examinations. There may be a few exemptions from this rule. Departmental heads, for instance, may be exempt from the merit system on the theory that the Chief Executive Officer should be given freedom of choice in selecting them, since he must rely upon them for advice and since the success of his administration will depend so largely upon the manner in which they carry out their duties. It may no doubt be argued, on the other hand, that the Chief Executive Officer should have as much faith in an employee selected under a formal merit system as in one appointed by *ad hoc* selection. In the case of posts requiring highly specialised professional or executive qualifications, where it may be impracticable to use an open competitive examination, the selection may have to be made on the basis of experience and personality.

37. Various plans may be suggested to administer the merit system for the selection of employees in the municipal service. To carry out this purpose, we recommend that there should be a Department of Personnel, the head of which shall be the Personnel Director, who shall be appointed by the Chief Executive Officer. There should also be a Municipal Services Commission, consisting of 3 members, one of whom shall be appointed by the council, one by the Chief Executive Officer and one by the Provincial Government. It will be the duty of this body to advise the council and the Director of Personnel on all questions regarding appointments, removals, promotions, classification of services, and generally on all problems concerning personnel administration. The Municipal Services Commission or Personnel Board shall also hear appeals in case any officer or employee is suspended, reduced or removed, and to report in writing to the Chief Executive Officer its findings and recommendations. It shall also make any investigation which it may consider desirable concerning the administration of personnel in the municipal service, and report to the council, at least

once each year, its findings, conclusions and recommendations.

38. We think there should be an express provision empowering the council, the Chief Executive Officer or any person or committee authorised by either of them to enquire into the conduct of any office, department, agency or officer of the city, and to make enquiries into and report on municipal affairs, and for that purpose to subpoena witnesses, administer oaths and compel production of books, papers and other evidence.

39. We may add a few words about committees. In the British system of local government, committees play a very important part, serving to link together the deliberative and executive functions of the local authority. In the council-manager plan, the use of committees is more limited, but they cannot be dispensed with altogether. Where the council is fairly large, as it will be in Calcutta with a total membership of 75, the bulk of the work may still have to be done in committees rather than on the floor of the council. Provided committees keep within the limited functions of the authority which they represent, the controlled informality of committee proceedings will often be an advantage over the rigid and formal deliberations of a large body. The committee system has also its disadvantages, such as are incidental to any *ad hoc* authority, making the members take little interest except in the business of the committee on which they happen to sit. Again a committee may be merely a cloak to give a responsible appearance to decisions which are really those of a masterful chairman or an unduly persuasive official. Where responsibility for actual administration is transferred from the city council to the city manager, committees may still be of use in ensuring democratic control to secure efficient administration. We think statutory provision may be made for the appointment of a few committees like one for finance, and one for primary education, in case this remains in the hands of the Corporation.

List of powers to be exercised by the Corporation at a meeting (with reference to sections of Act III of 1923).

Section 3(5)	..	Power to declare a bazar.
Section 4	..	Power to declare a <i>bustee</i> .
Section 11(3)	..	Duty to consider Administration Report and Annual Statement of Accounts.
Section 12	..	Powers of delegation.
Section 13(b)	..	Power to sanction expenditure beyond budget-year.
Section 40	..	Acceptance of resignation of a Councillor or Alderman.
Section 42	..	Recommendation for removal of a Councillor or Alderman.
Section 51	..	Power to appoint Chief Executive Officer and other statutory officers.
Section 56	..	Power to make rules.
Section 57	..	Power to grant pension, etc.
Sections 58 to 75	..	Conduct of Corporation business, letting of contracts, appointment of committees, etc.
Section 87	..	Power to take action regarding expenditure not covered by a budget grant.
Section 88	..	Power to undertake and make payments for works urgently required for public service.
Sections 93 to 96	..	So far as these prescribe the power and duties of the Corporation with regard to the budget.
Section 97	}	
Section 99		
Section 100		
Section 105		
Section 106		
Section 107		{ Power to pass budget.
Section 108		{ Borrowing capacity.
Section 109		Powers and duties connected with loans.
Section 110		
Section 112		
Section 113		
Section 114		
Section 117		

Section 120	..	Power to prescribe the form in which accounts must be kept.
Section 124	..	Power to impose consolidated rates.
Section 125	..	Power to fix the amount of the rate.
Section 126	..	Power to exempt property from the consolidated rate.
Section 151	..	Power to withdraw vacancy remissions.
Section 161	..	Power to exempt a <i>bustee</i> from the operation of section 159.
Section 165	..	Power to impose tax on carriages and animals.
Section 170	..	Power to compound with livery stable-keeper, etc., for tax.
Section 175	..	Power to remit or refund license fee in respect of profession, trades and callings and to exempt any person from taking out a license, etc.
Section 179	..	Power to prescribe scavenging fee and to remit the same.
Section 181	..	Power to control storage of petroleum.
Section 213	..	Power to cancel irrecoverable dues on account of consolidated rates or any other tax, or on any other account.
Section 230	..	Power to fix the price of filtered or unfiltered water sold for non-domestic purposes.
Section 242	..	Power to fix payment for filtered water supplied to adjoining municipalities.
Section 243	..	Power to supply water to persons residing out of Calcutta and the terms on which the supply is to be given.
Section 289	..	Power to make rules for Licensed Plumbers.
Section 292	..	Power to prescribe the charges to be paid to the Plumbers.
Section 307	..	Power to sell certain municipal properties.
Section 308	..	Powers and duties with regard to projected public streets.
Section 310	..	Powers and duties with regard to projected public streets.
Section 311	..	
Section 312	..	
Section 314	..	
Section 322	..	Power to make rules for Licensed Building Surveyors.
Section 324	..	Power to regulate buildings in particular areas.
Section 335	..	Power to define a <i>bustee</i> .
Section 349	..	Power to purchase or acquire masonry buildings or land in <i>bustees</i> .
Section 351	..	Power of purchase or acquisition of <i>bustees</i> in certain circumstances.
Section 378	..	Power to construct railways.
Section 386	..	Power to fix a scale of fees in respect of license under section 386.
Section 392	..	Power to establish or maintain municipal markets, slaughter-houses and stock yards.
Section 393	..	Power to close municipal markets, slaughter-houses and stock yards.
Section 396(3)	..	Power to fix certain license fees.
Section 401	..	Power to levy charges and rates in municipal markets, etc.
Chapter XXXIII	..	Powers for acquisition and disposal of lands and buildings.
Chapter XXXIV ..	..	Special powers of the Corporation.
Chapter XXXV ..	..	Power to make byo-laws.
Section 520	..	Power to pay compensation for tort.

CHAPTER III.

Assessment of Consolidated Rate.

1. For the purposes of the Calcutta Municipal Act, the Corporation has been empowered to raise money, mostly by taxation. Taxation is not the only source. The sources of municipal revenues are: (1) consolidated rate (section 124), (2) tax on carriages and animals (section 165), (3) tax on dogs (section 173), (4) tax on professions, trades and callings (Chapter XII), (5) scavenging tax (section 179), (6) tax on petroleum (section 181), (7) tax on carts (section 183), (8) building and various other fees, (9) fines for breach of municipal regulations, (10) trading concerns, markets, slaughter-houses, laundries; sale of water, (11) income from municipal property, (12) Government grants and contributions, (13) receipts from burial grounds and crematoria, (14) receipts from

Tramways Company and Electric Supply Corporation. Tax on petroleum is not collected.

2. Of these, the consolidated rate is the principal source. The total revenue from all the above sources excluding windfalls and capital receipts was Rs. 3,54,55,356 in the year 1947-48. These sources of revenue will be fully dealt with in the Chapter on Finance.

Leaving aside the general topic which will be dealt with, as has been stated, in the Chapter on Finance, we propose to deal in this chapter with the principal source of revenue, namely, the consolidated rate. The rate is really composed of sewage rate, lighting rate, water rate and land and building rate, but nothing turns now on the components except to show that the rate is really the price for certain utility services. The price, however, cannot be withheld on the ground that the services are not wanted, or have not been rendered.

3. The consolidated rate is imposed by the Corporation under section 124 of the Calcutta Municipal Act. This section says:—

"A consolidated rate not exceeding twenty-three per cent. on the annual valuation determined under this chapter may be imposed by the Corporation upon all lands and buildings in Calcutta for the purposes of this Act."

Section 125 then lays down that "the amount of the said rate shall be fixed annually in the manner provided in Chapter VII with reference to the requirements of the Municipal Fund."

That is to say, when the Executive Officer presents his budget estimates under section 93, the Corporation consider the estimates, and determine the levy of the consolidated rate at such rate, not exceeding 23 per cent., as is necessary to provide for the purposes of the Act, including payment of loans, taking into account other sources of revenue.

Section 126 provides for exemption from consolidated rate of certain buildings and lands. In some cases the exemption is obligatory, and in others, optional, and may be complete or partial.

Section 127 deals with the mode of ascertaining the annual value. The rate is a percentage of the annual value. The percentage, subject to the maximum, is fixed by the Corporation under section 124, as already stated.

Section 128 deals with the mode of assessing lands and buildings belonging to the Board of Trustees for the Improvement of Calcutta, and section 130 deals with their revaluation under section 127 after the streets and open spaces provided in an improvement scheme have vested in the Corporation.

4. A general valuation of lands and buildings is made ward by ward, not simultaneously in all wards, and every general valuation remains in force for six years. Before the expiry of this term new buildings, or additions to old buildings, are assessed, such assessment being known as Intermediate Assessment.

5. The power to assess is vested in the Executive Officer by the Act. It is not a power delegated to him by the Corporation. The Executive Officer however in exercise of his powers under the Act has delegated his power to assess to an officer known as Assessor. The present Assessor is Sri D. N. Sarbadhikari.

6. Appendix XIII is a chart showing the organisation of the department. It will be seen that the Assessor, subject to the Chief Executive Officer or a Deputy Executive Officer, controls the whole department, and the Deputy Assessor who is under the Assessor is in charge of Intermediate Assessment, besides certain special matters that will appear in the chart. One important portion of assessment work is the assessment of Port Commissioners' properties, including houses and other structures made by their tenants. These are assessed under the Calcutta Port Act, and the annual values ascertained under the provisions of that Act. The Assessment Department has been under the control of Sri M. N. Ray, Deputy Executive Officer, since 25th February 1945. Previously Mr. Bhaskar Mukerjee was in charge of the department.

7. Generally speaking, assessments are made by the Assessing Inspectors who are under the Sub-Assessors. The Sub-Assessors are, in the General Valuation Department, under the Assistant Assessors, and these are under the Assessor in the hierarchy.

8. The maximum consolidated rate leviable as already stated is 23 per cent. of the annual value. The present rate, actually levied, is 21½ per cent. plus another ½ per cent. as the Howrah Bridge

Tax on the annual value of lands and buildings. Before 1948 the rate had been 19½ per cent. In 1947-48 the annual value of lands and buildings in Calcutta was assessed at Rs. 12,15,44,021, and the gross demand on this figure was Rs. 2,43,80,287-3-9. In 1880 the total annual value was Rs. 1,31,77,293. The figure has steadily increased until it reached, in the year 1947-48, the 12 odd crores mentioned above. The figures for the years 1880 to 1947-48 will appear in Chart XIV. The city has been growing, and on the figures, is twelve times as valuable in real property as the city was in 1880. It is interesting to note that the total number of premises was 81,456 on the 1st April 1948. In April 1940 the number was 75,896. The consolidated rate is, therefore, being paid by the owners and occupiers of 81,456 premises (less 1,663 exempted), not counting additions to the figure since the 1st April 1948.

9. The taxes, other than the consolidated rate, sometimes described as taxes "in relief" of the rates" are later additions to what was originally the only source of municipal revenue, namely, the rate. The money that the city needed came out of the pocket of owners and occupiers of real property, as it is these who were supposed to have sufficient stake in the city. As a consequence, the municipal suffrage was originally limited to them in Calcutta as in England, though, laterly, it was extended also to those who paid other taxes as well. It should be noticed that there was no taxation on personal property, or even intangible property which is often immovable property. The old concepts are changing, municipal franchise is no longer restricted to property, but personality, except dogs and animals and carts and carriages, still goes scotfree, though its situs is in Calcutta and its owners receive all the municipal services. The Provincial Government cannot confer on the Corporation power to tax incomes, not having this power itself, but the Provincial Government has the power to impose an octroi (a cess on goods entering Calcutta), a tax on sale of goods, or on luxuries including entertainments, amusements, betting and gambling. It will be discussed elsewhere whether the Government should empower the Corporation to tax any of these or to introduce octroi, but the consolidated rate remains the main source of Corporation revenue.

10. It is, therefore, of the utmost importance that this rate should be correctly assessed and diligently collected, but our investigation shows that it was neither correctly assessed nor diligently collected. We shall deal with collection in another chapter. So far as assessment is concerned we have to record after scrutiny into concrete cases that it has been, generally speaking, deliberately low, in fraud of the Act and of the Corporation, and unequal and inequitable, again, generally speaking, so far as the rate-payers are concerned.

11. The consolidated rate is, as we said, a percentage of the annual value of lands and buildings in Calcutta. The annual value is determined in the manner laid down in section 127 of the Act. There are a few exemptions, viz.: (1) Buildings used exclusively for public worship, (2) public burial and burning grounds. These are absolutely exempt. The Corporation may, in their discretion, exempt wholly or partially any land or building used exclusively for public charity. They may also exempt an owner of a hut as also the owner of the land on which the hut stands. They may also exempt lands and buildings whose annual value does not exceed Rs. 20, a class now probably devoid of content. Under section 154 of the Government of India Act property vested in the Crown for the Central Government is also exempt except such as were liable or treated as liable to the rate before the commencement of Part III of the Government of India Act. Under a certain international convention the United Nations are

also exempt from payment of the rate, in respect of any property they might own or occupy. Under the Railway Act, the railway property is exempt, except to the extent permitted by the Central Government in a notification. In the case of Bengal-Nagpur Railway, there is a notification, dated 23rd March 1946, requiring Bengal-Nagpur Railway to pay the consolidated rate. Exemptions, like the rate, are statutory in Calcutta as well as in England. The section 126 of the Calcutta Municipal Act does not add to the list of exemptions under the English statute, but this last exempt light house, buoys and beacons as also registered societies for cultivation of science, fine arts and literatures which probably would come under public charity in the Indian Act.

12. There are 1,663 premises exempt or exempted from assessment. We have examined some of these cases. The only comment which we should make is that in some cases there was actual user for public worship or charity, but it was by no means clear that there was any legal obligation in the owner to continue this mode of user. The terms of the section do not seem to require this obligation, so long as the user for the purposes stated is a fact. It appears to us that the section should be amended so as to make this legal obligation a condition of exemption. If the public worship and charity could be legally put an end to at the pleasure of the owner, the fact of such user at the moment of assessment should not suffice. There is no power except in a case specified in proviso (iii) to section 127 to reduce the levy with any regard to ability to pay, but we have seen cases in which the assessment was reduced on the ground of poverty by Executive Officers. The rate is a tax *in rem*. It is a tax on certain things, and has nothing to do with ability to pay.

13. The manner in which the annual value should be determined is laid down in section 127 of Calcutta Municipal Act. In view of the charge that the assessment has been unfair, and in breach of the law, and that, generally speaking, the assessments have been lower than mistake would account for, the Commission has examined numerous cases of assessment, and has come to the conclusion that the section 127 has been deliberately misapplied to defraud the Corporation of its just dues. The evidence in support of this will have to be set forth in some detail, but it is not possible to state more than a few typical cases, typical in the sense that they will bring out the general practice. Between the 22nd November 1947 and 12th December 1947 a sample survey was made under the orders of the Government. One of its objects was to find out whether there was any truth in the complaint that "the premises are wholly under-assessed with the result the Corporation is losing a large amount of income every year." The Commission has read the report on the basis of that survey which seems to have been carefully carried out, and the result recorded is thus stated: "The case of under-assessment is fully established in a general way, and the actual assessment was half of what it would be on the basis of rent." The survey, be it noted, took as sample premises let out on rent, i.e., assessed under section 127(a) of the Calcutta Municipal Act. Annual value on this basis of rent—the actual rents of the sample premises—ought to be an exact figure, and is not affected by the uncertainty of the contractors' test in section 127(b). Even so, the sample survey shows that undervaluation is the rule, and that in most of the wards the assessment, on the average, was less than half the actual rent, though it purports to be an actual rent. It is interesting to note that in wards 27, 29 and 30 more than 80 per cent. of the premises were undervalued.

14. In the case of a house actually let out for rent the annual value may be more or less than the actual rent, the annual value being the reasonable

rent which a hypothetical tenant would pay for a year-to-year lease at the time of assessment, less, in the case of a building, a deduction. The exact rule contained in section 127(a) we are going to quote below but when the annual value assessed is stated to be the actual rent, but is, in fact, a lesser figure, it means fraud. Either the actual rent was concealed or a lesser figure was deliberately recorded in collusion with the Assessing Inspector. Except rarely what purports to be actual rent was always taken as the annual value less a certain deduction, but the sample survey shows that the actual rent on the average was more, in fact almost twice as much as the figure put down as the actual rent. On the sample survey this has happened more often than inadvertence or mistake would account for, and our own enquiry enables us to say that a general undervaluation by concealing the true rents has taken place and deprived the Corporation of its just dues. In fact a good part of what might have been the produce of the consolidated rate was lost by such undervaluation.

15. It is necessary to set forth section 127, so that it may be seen how it has been working—

"127. For the purpose of assessing land and buildings to the consolidated rate,—

- (a) the annual value of land, and the annual value of any building erected for letting purposes or ordinarily let, shall be deemed to be the gross annual rent at which the land or building might at the time of assessment reasonably be expected to let from year to year, less, in the case of a building, an allowance of ten per cent. for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent; and
- (b) the annual value of any building not erected for letting purposes and not ordinarily let shall be deemed to be five per cent. on the sum obtained by adding the estimated present cost of erecting the building; less a reasonable amount to be deducted on account of depreciation (if any), to the estimated present value of the land valued, with the building as part of the same premises."

16. Section 127(a) is shortly described as the "rent basis" and section 127(b) as "the residence basis" which last, is not quite accurate. The two categories to which (a) and (b) apply are a dichotomy: (a) buildings ordinarily let or intended to be let, (b) The two other buildings categories are mutually exclusive, and collectively exhaustive. Vacant land must be assessed under (a) alone, buildings are assessed either under (a) or under (b). There is no third method.

17. Section 127(a) is the only method in England to find the nett annual value which is rated, whatever be the nature of the building, whether let or not let, whether intended to be let or not intended to be let. In England the Calcutta High Court would be rated under section 127(a), but in Calcutta it will be rated under 127(b) as it was not intended to be let or ordinarily let. Where section 127(a) applies, the annual value is the rent which a hypothetical tenant may be reasonably expected to pay for the building under a year-to-year lease at the time of assessment, less a certain deduction or allowance for repairs, etc., necessary to maintain the building in a state to command such gross rent. The figure thus obtained is the annual value, and that is the value which is rated at 22 per cent., at the present moment. This rule is not as simple as it looks, but it is simple enough, though in Calcutta the actual rent, or what was stated to be the actual rent, has almost invariably been taken as the reasonable rent without any regard to the nature of the tenancy, or the currency

of the rent, as the concrete instances given below will show.

Actual rent is determined by covenant, or even by statute (*e.g.*, the Rent Control Act). What is rated is an imaginary rent which an imaginary tenant will pay for a year-to-year lease [*Poplar Assessment Committee vs. Roberts, A. C. (1922) 93.*] In a case in Calcutta, for instance, a house in Lindsay Street worth about 9 lakhs of rupees was let out for 999 years at an annual rent of Rs. 50. That rent is not the annual value under section 127(a) which is to be rated, but the rent which a hypothetical tenant might be reasonably expected to pay for the house for a year-to-year lease. That is the measure of the tax, irrespective of contract or statute to the contrary governing the actual rent.

18. The section 127(b) says nothing about rent though the intention perhaps is to get the estimated annual rent where the building is not let, nor intended to be let. That rule is this: Estimate the *present* cost of erecting the building, deduct depreciation, if any, add the estimated present value of the land valued with the building as a part of the same premises. Of the figure thus obtained 5 per cent. is the annual value. Briefly, but not quite accurately, the rule is that the annual value of a building falling within 127(b) is 5 per cent. of the present capital cost of the building and its grounds (less depreciation in respect of the building). The rule 127(b) is not limited to cases where difficulty is experienced in assessing the rent, though such difficulty encountered in a particular case, is said to have led to its enactment (*Nanda Lal Bose vs. the Corporation for the Town of Calcutta, I.L.R. XI, Cal. 275*). The annual value determined under section 127(a), and that under section 127(b), were perhaps expected to tally but, in the nature of the thing, they do not, particularly as there is the Rent Control Act, but the costs of land and building are soaring.

19. The rule in section 127(b) is not a statutory rule in England, but the principle is known, and it may be looked at to estimate the annual rent where it is otherwise difficult to make such estimate. This is known as "the contractor's test". Long ago it was first suggested in Calcutta by Mr. Mackay, and something like it occurs in the Calcutta Ports Act under which the Port Commissioners' properties are valued at 5 per cent. of the capital cost of construction of the building and of the land. Not the estimated present cost, less depreciation but the actual cost. This rule, 127(b), if strictly applied, is bound to lead to enormous increase in assessment, and will hit very hard middle class people, in humble circumstances, who live in their own ancestral houses and do not intend to sell them. They might be sold out altogether if the assessment be on the present value of the property, of which value people who do not intend to sell get no advantage whatever. To soften the vigour of the rule the Assessment Department, purporting to apply it really applies a different rule altogether, as will appear below, when we give concrete instances of assessment under this rule. It has therefore been suggested that 127(a) should remain as the only method of valuation, and the 127(b) should be either repealed, or should be so amended as to keep the assessment within reasonable limits.

20. The Commission have examined numerous individual cases of assessment under section 127(a) and the results of their observation are as follows:—

(i) Except very rarely, the actual rent, or what is stated to be the actual rent, is taken as the reasonable rent less a deduction. Under the statute this deduction is 1/10th but sometimes another 1/10th and sometimes yet another 1/10th are allowed as deduction. Actual rent, under a recent lease between strangers, is, of course, a good guide to the reasonable rent which the law

seeks to rate, but the Commission did not notice any consciousness of the difference between the two except where a room or house is vacant or except where the actual rent is shockingly low. For instance, we noticed, as we said, a house, three-storied, held by a person under a 999 years' lease at a rent of Rs. 50 but on a higher figure made up of rents alleged as paid by the sub-tenants and "fair rents" of certain portions, not sublet.

(ii) No attention seems to have been paid to the words "at the time of assessment". What was stated to be the actual rent was taken as the annual value, less a deduction, without any inquiry into how long the rent had been current or whether it was more or less than what would be the present reasonable rent, whether any premium had been paid or there was any other onerous covenant on the lessee.

(iii) It does not appear that the words "from year to year" were supposed to have any significance at all. A year-to-year lease means not a year's lease, but a lease for an indefinite term, terminable by six months' notice. Under such a lease no one would rent a Cotton Mill for instance except as a house to store goods in or rent a land requiring reclamation for two or three years. A year-to-year lease requires registration, and is very uncommon in Calcutta. The rule has been practically reduced to a rule of thumb: Take the existing rent, whatever the kind of lease, multiply it by 12 to get the annual gross rent, deduct 1/10th or a second 1/10th or third 1/10th and you would get the rateable annual value.

(iv) What has actually taken place however is not a blemish to be weighed in golden scales nor mistake or error of judgment, but a deliberate understatement of actual rent with a view to reduce the assessment. This is what the Sample Surveyor referred to suggested, and what we find by our own observation. It will be noticed that against the figure for actual rent the Assessing Inspector puts down "says" so as to keep the door open for him to escape, should the figure turn out to be wrong. There is a provision in section 136 of the Calcutta Municipal Act enabling the Chief Executive Officer to call for returns. No advantage was taken of that provision, generally speaking. Returns would leave the matter less at large and would not suit a dishonest Inspector. Except rarely, there is no note that rent receipts were seen, and the cases are too numerous to sustain any theory of mistake. A well-known house in Calcutta, for instance, was in the occupation of the Secretary of State for India in Council. He occupied a part on Rs. 3,000 per month, and the remainder was in the occupation of a limited company. Rs. 2,000 was taken as the actual rent, and the annual value was computed on that footing. There is no doubt that if, on the average, half the actual rent was taken as the annual value, described as based on the actual rent, the Assessing Inspector assisted in the undervaluation, and he could not have done so unless somebody made it worth his while to do so. The Assessing Inspector draws a salary of Rs. 60 to Rs. 185. We have seen no case in which the figure he had put down as the annual value was increased. On the other hand, his figure was reduced higher up by the Executive Officers on no recorded ground. In some cases the order practically says that the reduction was an indulgence. Some of the examples given below would show that such reduction was recorded in the order as L. S. or lump sum reduction. For instance, where the Assessing Inspector finds a certain figure as annual value stating that the annual rent is, say, Rs. 200, not fair rent, but actual rent. The Executive Officer would sometimes reduce the assessment by taking Rs. 150 as the rent without any reason. Sometimes he does not touch the annual rent, but reduces the annual value by a random figure, say, Rs. 50, describing it as L. S. reduction, as though there could be any discretion in the matter. The

Commission attended a hearing of the objections to assessment by the Chief Executive Officer. The objector was complaining that the assessment was excessive. The Chief Executive Officer asked him how many children he had and inquired generally into his circumstances. He did not see that he could no more reduce the assessment on this ground (as he did) than the License Officer could reduce the prescribed license fees on the ground of poverty. The rate is a tax *in rem* as already stated. It taxes a thing and ability to pay is irrelevant.

21. We turn to a few typical cases to illustrate some of the points we have mentioned.

Assessment under section 127(a).—The following cases are taken at random:—

2A, Temple Street—

*I D. H.—Owner : Mr. I. J. Cohen. Occupier : R. W. Hodge.

Proposed valuation, Rs. 534, 1/48-49.

Present valuation—Rs. 534.

I— $1h + 2r + 2Br + kit$, says Rs. 55 including tax, 55×12 less $2/10th$.

2B, Temple Street—

*I D. H.—Owner : Mr. I. J. Cohen. Occupier : C. B. Murray.
Present valuation, Rs. 534.

Proposed valuation, Rs. 534. 1/48-49.

I— $1h + 2r + 2Br + kit$, says Rs. 55 including tax, 55×12 less $2/10th$.

2C, Temple Street—

II D. H.—Owner : Mr. I. J. Cohen. Occupier : M. C. Baptist.

Present valuation, Rs. 680.

Proposed valuation, Rs. 680. 1/48-49.

II only— $1h + 2r + 2Br + kit$, says, Rs. 70 including tax, 70×12 less $2/10th$.

2D, Temple Street—

II D. H.—Owner : Mr. I. J. Cohen. Occupier : A. J. Rodrigues.

Proposed valuation, Rs. 680. 1/48-49.

Present valuation, Rs. 680.

II only— $1h + 2r + 2Br + kit$, says Rs. 70 including tax, 70×12 less $2/10th$.

4, Gour Sundar Sett Lane—

I D.H., bazar, tank and land.

Owner: Estate Buttokristo Paul & Bros.

Occupier: Calcutta Police Outpost, Cossipore.

Previous valuation, Rs. 667.

Present proposed valuation, Rs. 1,141.

1 Big hall, 3 Kit, Cor. 1r, 2p, Rs. 40 per mensem plus tax. Cor. hut and bazar, rent varies from Rs. 5 to Rs. 10—Rs. 54.

Rs. 94×12 ... 1,128

Daily rent Re. 1×365 ... 365

... 1,493

Less 2/10th ... -

... 1,208

Land and tank ... 60

... 1,268

Less 10 per cent. ... -

... 1,141

Present valuation, Rs. 680. Rs. 1,141 reduced under section 146 by L.S. reduction by D.E.0.11 on 5th June 1945, to Rs. 680.

56, Alimuddin Street—

II D.H.—Owner : Mr. Abul Kasim Fazlul Huq.
Occupier: Matihar Rahaman and others.

Proposed valuation, Rs. 656, fair 2/48-49.

Rs.

I—lr—Imam of the mosque (free)		
Ir—Abdul Huq, says	...	8
II—lr—Matiar Rahman says	...	14
Back I—lr—S. M. Huq, says	...	8
Ir—Fazlur Rahman, says	...	11
lr—Basit Mia, says	...	10
lr—Golam Rabbani, says	...	5
Cor. 1r—Dying and Cleaning	...	
Haji A. Latif, says	...	14
	..	—
	..	70

Rs.

Take Rs. 75 including tax		
Rs. 75×12	...	900
<i>Less 10 per cent.</i>	...	90
	..	810
<i>Less 10 per cent.</i>	...	81
	..	729
<i>Less 10 per cent.</i>	...	73
	..	656

18/1, Mahim Halder Street (Ward No. 23)—

Owner: Estate Bhupal Chandra and Gopal Chandra Chatterjee.

Occupier: Gopal Chandra Chatterjee, Amulya Jiban Kanjilal and others.

Rent Rs. 70 per mensem (six tenants).

Valuation Rs. 70×12 = Rs. 840.

Allowing 3/10th = Rs. 612.

(Old valuation, Rs. 234)

Valuation reduced to Rs. 243 as per case No. 862/46-47 on the footing that the monthly rent is Rs. 28 per month.

Bishop Lefroy Road—

Premises No.	Rent according to tenant.	Rent taken for Assessment.
	Per mensem.	Per mensem.
6A	Rs. 225	Rs. 175
6B	225	...
6C	...	175
6D	275	210
6E	275	210
6F	275	210
6G	275	210
6H	275	210
6J	275	210
6K	275	210
6L	275	210
6M	225	175
6N	225	175
6P	275	210
6Q	250	210
6R	300	210
6S	275	210
6U	275	210
6U	275	210
6T	275	210
6V	275	210
6W	20	20

Twenty per cent. allowed in each case on the figures taken for assessment. The lower figures were not taken on any theory of reasonable rent, but the owner was an influential Councillor. We have not seen any other case in which a lesser figure than the actual rent was taken as the annual value.

*The abbreviations mean : D.H.—Dwelling house, r—room, Br—Bathroom, kit—Kitchen, I—One storied, II—two storied,
III—Three storied, h—Hall, cor. I—corrugated iron and p—Privy.

These examples will indicate the way in which the lands and buildings are assessed under section 127(a), land in every case, buildings when let out or intended to be let out. In the case of buildings not let out or intended to be let out section 127(b) applies: Estimate the present cost of erecting the buildings. Deduct depreciation at

the present estimated value of the land valued with the building as a part of the same premises.

The following cases will illustrate the application of section 127(b):—

16. Pollock Street—

Area of land 3k. 10 ch. valued at Rs. 14,000 p.k.=Rs. 50,750.
Buildings—

					Rs.	Rs.
II	..	..	..	46'-6" x 18'-0"	837	
				27'-6" x 17'-3"	474	
				13'-3" x 12'-6"	165	
			Total	..	<u>1,476 at Rs.</u>	5 12 0
					8,487	
Ver I	..	..	..	8'-0" x 6'-0"	'48 at Rs.	1 12 0
				12'-6" x 4'-0"	50 at Rs.	1 0 0
Ver II Less	..	..	..	15'-0" x 14'-6"	217	
				8'-0" x 6'-0"	48	
					169 at Rs.	3 8 0
III	..	..	..	19'-0" x 12'-6"	237 at Rs.	6 0 0
P. II	..	..	..	12'-6" x 5'-6"	68 at Rs.	3 8 0
II	..	..	..	23'-6" x 12'-6"	282 at Rs.	5 8 0
Only Cor. on II Ver	..	..	..	15'-6" x 5'-6"	85 at Rs.	4 0 0
					340	
					<u>12,763</u>	
					Depreciation 28½ per cent.	..
					..	3,638
						<u>9,125</u>
III only	..	..	..	13'-3" x 12'-6"	165	
				27'-6" x 13'-6"	371	
					536 at Rs.	3 8 0
					1,876	
Only R.T. on II Ver	..	..	..	15'-6" x 9'-0"	139	
				7'-0" x 5'-6"	38	
					177 at Rs.	1 8 0
III only	..	..	..	12'-3" x 5'-6"	67 at Rs.	2 0 0
					134	
					2,275	
					Depreciation 3 per cent.	..
					..	69
					<u>2,206</u>	
I Ver	..	..	..	26'-0" x 3'-0"	78 at Rs.	1 8 0
					117	
					Rs.	
					50,750	
					11,448	
					<u>62,198</u>	
					Depreciation 5 per cent.	3,109

D.E.O.L.
7-12-1948.

16. Synagogue Street—

Owner : Estate B. K. Paul.
Occupier : Messrs. B. K. Paul & Co.

Area of land 6k. 12 ch. at Rs. 20,000 p.k.—Rs. 1,35,000.

Buildings—

				Rs.
II	..	..	..	1,631 s. ft. @ Rs. 5 0 0
Ver	..	..	..	213 s. ft. @ Rs. 2 8 0
IV	..	..	..	392 s. ft. @ Rs. 8 0 0
III	..	..	..	2,473 s. ft. @ Rs. 7 8 0
				<u>18,547</u>
				30,370
				Depreciation 13 per cent. 3,948
				<u>26,422</u>
Only III Strs.	..	..	..	@ Rs. 2 0 0
Only IV	..	..	..	@ Rs. 2 8 0
				2,210
				2,482
				4,692
				Depreciation 5½ per cent. 259
				<u>4,433</u>
				30,855
				<u>1,65,855</u>
				Proposed valuation, 5 per cent. ..
				(On dwelling basis). ..
				8,292
				Present valuation ..
				4,248
				Land valued at Rs. 12,000 p.k. ..
				Building valuation same ..
				(Old valuation restored) ..
				4/46 = 47.

44, Ramkanta Basu Street—

Existing valuation, Rs. 2,712.

Proposed valuation, Rs. 3,378.

Valuation after objection, Rs. 2,953.

Land in two belts—

(1) 1st belt—11 k. 2 ch. at Rs. 2,800 p.k.
reduced on objection to Rs. 2,000 per katha.(2) 2nd belt—14 k. 11 ch. at Rs. 1,000 p.k.
reduced on objection to Rs. 800 per katha.

	Rs.
Building valued at	... 25,066
Land valued at	... 34,000
Total	59,066

Building valued at the rates in vogue when first assessment took place, e.g.—

Rs. 6 per square feet for III.

Rs. 3 per square feet for verandah.

Rs. 1-12 per square feet for I.

Rs. 3-8 per square feet for II.

22. These are typical cases and will show how section 127(a) and section 127(b) have been understood and applied. As to assessment under section 127(a), the annual value has been taken to be the actual rent less a deduction of 1/10th (statutory) or less another 1/10th of the balance or yet another 1/10th of the balance after the first two deductions; and the "actual rent" taken as the gross reasonable rent is really a figure less than the actual rent as the sample survey referred to shows and as our own inspection confirms.

23. As we said before, section 127(a) says nothing about actual rent. The annual value is the rent which a hypothetical tenant would pay for a certain kind of lease, less a deduction. In delivering the judgment of House of Lords in Poplar Assessment Committee vs. Roberts (1922, Vol. II, 2 A.G., page 93), Lord Buckmaster says: "The tenant referred to is by common consent an imaginary person. The actual rent paid is no criterion, unless indeed it happens to be the rent that the imaginary tenant might be reasonably expected to pay in circumstances mentioned in the section." That observation applies to the thing to be rated under section 127(a); and it is not a needless subtlety, seeing that it has a bearing on the question whether the Rent Control Act which controls actual rents can affect the annual value determined by reasonable rent which the Rent Control Act does not touch at all. That reasonable rent is the measure of the annual value and of the tax; "it is only used as a standard which must be examined without regard to the actual limitation of the rent paid by virtue of covenant as between landlord and tenant, and also as I regard it, the statutory restrictions that may be imposed upon its receipt." (Lord Buckmaster in the case cited above.) The statutory measure of the rateable value is the annual rent which a tenant might be reasonably expected to pay one year with another.....less certain deduction. "That is the measure, and the only measure of the rateable value which is provided....." "This imaginary rent is not to be confounded with the rent which the actual tenant in possession in fact pays. It may naturally be assumed that the hypothetical tenant would take this last into consideration along with many other things, including the capacity of the hereditament and its adaptabilities in calculating the rent he might be expected to pay, but the actual rent paid by the actual tenant is not and cannot be treated as a

measure of, or a substitute for, the hypothetical rent which conceivably might be expected from hypothetical tenant." (Per Lord Atkinson in the case cited above:) Lord Atkinson adds that a statute like the Rent Control Act which deals exclusively with actual rents paid by actual tenants was not designed or intended to deal with the rating of hereditaments at all. Whether this view would apply to the rating under section 127(a) will be considered below, but the judgment is a clear exposition of the annual value under that section and it must be said that, generally speaking, the true measure of the annual value has been missed, by the assessing authority of the Corporation of Calcutta. In extreme cases the true measure asserted itself as when a house worth about nine lakhs of rupees was let out at Rs. 50 a year.

24. It is difficult to say how much the Corporation has lost or gained by reason of the difference between the two rents being overlooked, as it has been always overlooked except in extreme cases of the kind referred to where the meaning of the section leapt into view.

25. Loss caused by this misapprehension of the section might be due to a mistake, but to put down a figure as the actual rent and take that as the basis of valuation though the actual rent was more is fraud. This is what has happened as the sample survey referred to has shown. One would not presume fraud, but where on the average the figure put down as the actual rent is half the true figure, no other conclusion is open. One witness has described what happens. There is a regular bargain between the Assessing Inspector and the Assessee before the figure is put down.

26. It cannot be supposed that the Assessing Inspector innocently accepted the false figures as true rents. These have been too many to be consistent with innocence, and the omission to call for returns left his hands free. The fact that his figure was *never* increased, though frequently reduced, upon objection, must have created a sense of impunity. No Assessing Inspector has ever been punished for dishonest assessment, even where this was manifest. The flats at 6, Bishop Lefroy Road, have an interesting feature. In respect of these flats the tenants mentioned their rents. In each case a lesser figure was adopted as annual value, apparently because the owner was a Councillor, not on the theory of reasonable rent. If it were so, the case would be unique, nor is that basis stated.

Assessment under section 127(b).

27. This section, whatever its merits, has been misapplied and is being misapplied from a desire to keep down the assessment. The section is clear enough. It applied to buildings only, and only such buildings as were not erected for letting purposes and not ordinarily let. Into this category would fall many residential houses, many such properties as warehouses, factories, colleges, cinemas, theatres; such things as railways or railway buildings even such a thing as a Light House. It is certainly difficult to find the reasonable rent for a Light House, so that the annual value in these cases is to be taken as a sum equivalent to 5 per cent. of the present capital cost of the building including the land, less depreciation on the building. The section 127(b) requires that you must estimate the *present* cost of erecting the building, deduct depreciation, and add the value of the land, the estimated present value of land valued with the building as part of the same premises. What was being done until November 1947 was this: The department will prepare a sketch of the house on a page of a book known as "Sketch Book". On that page they would value the building, not at the present rates of building construction, but at the old rates; not any rate prevailing at some point of time in the past, but the rates at which the particular building was

initially valued, at so much per square foot. From the figure so obtained at the old rates they would allow depreciation, 5 per cent., 10 per cent., 20 per cent, and even 30 per cent., apparently according to the age of the building. The figure obtained

on this footing the Assessing Inspector would estimate as the value of the building. To that he would add the value of the land at so much per katha and the total will be the annual value. The following is a typical example:—

158, Harrison Road—

Valuation of buildings.

Land—2k. 13 ch. at Rs. 40,000 p.k.=Rs. 1,12,500.

Buildings—

						Rs.	Rs.
I Temple	..	18'-6" x 18'-0"	..	..	333 at Rs. 5 0 0	1,665	1,12,500
		24'-6" x 17'-0"	..	..	416 at Rs. 2 0 0	832	
		20'-6" x 18'-6"	..	..	376 at Rs. 2 12 0	1,042	
		30'-0" x 7'-6"	..	..	225		
		22'-6" x 3'-0"	..	..	67		
C. S. on I only	..	15'-6" x 8'-6"	..	..	292 at Rs. 1 12 0	511	
				..	131 at Rs. 1 0 0	131	
						4,181	
				Depreciation, 45 per cent.	..	1,882	
						2,299	
II only	..	20'-6" x 18'-6"	..	..	379 at Rs. 2 8 0	947	
				Depreciation, 12 per cent.	..	114	
						3,132	
						1,15,632	
W. St. on II only	..	.20'-6" x 18'-6"	..	..	379 at Rs. 3 0 0	1,137	
II P	..	6'-0" x 3'-0"	..	..	18 at Rs. 8 0 0	144	
				Depreciation 3 per cent.	..	39	
						1,281	
						1,242	
				Depreciation 5 per cent.	..	..
						1,16,874	
						5,843	
						1,11,031	

This means the original cost of constructing the building reduced by depreciation, instead of as the present cost of constructing the building less depreciation. That is to say, the present cost was not being estimated at all, but the department is following a rule of its own in direct conflict with the rule in the Act. The present cost of constructing a building is as follows and we note against each rate the old rate or rates collected from actual assessments:—

Present rate per s. ft.

*Buildings. for new ordinary build- Old rate per s. ft. ings.

I	..	Rs. 20 to Rs. 24	..	Rs. 1-12, 2, 2-12, 3, 3-8, 4, 5.
II	..	Rs. 37 to Rs. 41	..	Rs. 2-8, 3, 3-8, and 4.
III	..	Rs. 54 to Rs. 58	..	Rs. 6, 6-8, and 13.
IV	..	Rs. 71 to Rs. 75	..	Rs. 8 and 17.
V	..	Rs. 88 to Rs. 92	..	Rs. 2-8.

It will be noticed that the old rates are not uniform, and it does not appear that they were progressively increasing. Old buildings were always valued at the old rates, so that what was being taken for valuation was not "the estimated present cost of constructing the building" less depreciation, but the estimated original cost of constructing the building less depreciation. That means serious under-valuation of buildings falling within section 127(b) whose measure is the ratio between the old and new rates; and the practice continued till November 1947, if not later.

28. Sometime in November 1947 the present Assessor, Mr. Sarbadhikari, "advised" his staff to

follow the following rates in valuing the buildings:—

Building Rates.

	I	II	III
First class (new buildings)	..	12	22
2nd .. (old buildings, good condition)	..	8	15
3rd .. (old buildings)	..	5	8
4th .. (for very old buildings practically of old material value)	..	4	7

"In case of buildings with heights greater than the above limit, with special finish in floors, walls or in architectural features, or with special fittings like lifts some additional values have to be with my approval."

The Assessor writes: "Prior to the last Great War the market was more or less steady, and the cost of building construction used to be determined for new buildings, or additions, on the possible cost of such constructions. No necessity was possibly felt for fixing any rates for such constructions.

"For old buildings, however, the cost of construction as decided by the Executive Officers used to be maintained during subsequent revaluations of such buildings.

"After I took charge of the department in 1947 I felt that it would not be desirable to maintain the old cost of construction during revaluation of those buildings when the cost of building construction had gone so high; also that if this change is not made according to certain standard, there was likelihood of the application of different rates by different officers in that unsteady market, resulting in un-uniform assessment. So, for general direction, I laid down those rates for arriving at the cost of construction.

"We have a register noting sales of land and buildings in Calcutta."

*See the premises No. 19/1, Tarak Chatterjee Lane, 78, Cossipore Road, 55A, Raja Dinendra Street, 16, Synagogue Street, and 92, Sobha Bazar Street, on the Inspection Report and Sketch Book.

That does not explain, the lack of uniformity in the old rates, which we had to pick up from actual cases and which certainly suggested discrimination. Leaving that aside, we inquired whether scales of rates he introduced were the present rates. We received no answer to the inquiry. It is obvious that the rates introduced in November 1947 were not the then market rates at all.

It follows that even after November 1947 he was not estimating the "present cost of constructing the building" to get his annual value, but something midway between the old cost and the present, so as to temper the wind to the shorn lamb, as the present cost will be too high.

29. So far about valuing the buildings. Turning now to the valuation of the land appertaining to the building, or as the section says, forming part of the same premises as the building, the section lays down that to the estimated present cost of erecting the building less depreciation should be added the "present value of the land" valued, with the building as the part of the same premises. It is by no means clear that this passage was understood and applied. What has been usually done is to put down a figure as the price per kottah and to compute the price of the land at that rate. For instance, in assessing certain houses the land was valued as follows:—

Premises.	Price per kottah.	Rs.
150, Harrison Road	28,000
158, Harrison Road	40,000
165, Harrison Road	32,000
169A, Harrison Road	35,000
172B, Harrison Road	35,000
181, Harrison Road	25,000
183, Harrison Road	25,000
190, Harrison Road	35,000
195, Harrison Road	40,000
220/1, Harrison Road	40,000
226, Harrison Road	45,000
229, Harrison Road	65,000
11, Clive Row	11,250
4, Clive Row	26,000
49, Cotton Street	25,000
51/1, Cotton Street	19,000
73, Cotton Street	15,000
73/1, Cotton Street	18,000
5, Karbala Md. Street	36,218
17, Lal Bazar Street	14,500
6, Pollock Street	9,000
16, Pollock Street	14,000
18, Pollock Street	14,000
21, Pollock Street	7,000
22, Pollock Street	18,000
26/1, Pollock Street	18,000
29, Pollock Street	8,000
63, Radhabazar Street	17,500
13/1A, David Joseph Lane	19,000
67, Cross Street	35,000
73, Cross Street	40,000
174A, Cross Street	9,000
174B, Cross Street	13,000
178, Cross Street	23,000
184, Cross Street	14,000
218A, Cross Street	35, 0

Premises	Price per kottah.
218B, Cross Street ..	23,000
16, Strand Road ..	28,000
35, Strand Road ..	25,000
67/5, Strand Road ..	35,000
1, Sambhu N. Mallick Lane ..	18,000
12, Sambhu N. Mallick Lane ..	8,000
15, Sambhu N. Mallick Lane ..	9,000
108, Old China Bazar Street ..	8,000
119/9A, Old China Bazar Street ..	10,000

30. These figures are picked up from the sketch book, so much per kottah being entered by the Assessor on the page on which the sketch of the house occurs with dimensions for valuing the building. It will be seen that the prices in the same street vary, which would be quite consistent with the section 127(b), if the section was borne in mind, but we have carefully scrutinised the cases to see whether the land values taken were the market values, or any effect was given to the words requiring that the land should be valued as a part of the same premises as the building. A plot of vacant land suitable for building a cinema or a shop in Chowringhee might sell for say Rs. 20,000 per kottah but suppose the land is not vacant, and upon it is an old unsightly building in which the owner lives, should the land be valued at Rs. 20,000 per kottah or should it be valued at the price which a purchaser will offer if he is not allowed to pull down the building. In short, should the value of the land be what is called the land-acquisition value which takes into account not only the present advantages, but also future possibilities, or whether the value for assessment should be the value of the land with the building on, or the land as it is, so that a meadow must be valued as a meadow, a tennis court as a tennis court. This last would seem to be the meaning of the section and if so, we cannot value the land under section 127(b) without actually going to it, and actually seeing the house on it, and the condition and the position of the land, and we cannot take into account the effect of possible improvement or a different mode of user. There are 20,642 houses which have been assessed under section 127(b) and the valuation under that section was, on 31st March 1948, Rs. 4,50,07,547. This figure includes the valuation of Port Commissioners' properties. It must have been a stupendous task to value these buildings under section 127(b) and we have seen that so far as the buildings go the old cost and not the present cost has been taken as the value, still further reduced by depreciation allowance and that in valuing the lands it is by no means clear that the land has been valued in accordance with the section, or at the market rate or the land acquisition rate. We do not see how it was possible for the Assessor to put down against each building the value of land per kottah, and although one cannot value land appurtenant to a building without some regard to the market rate, it is difficult to see how he varied the market rate because the land formed with the building a certain unit, and no other manner of use can be taken into account. The Assessor's note on this point shows that he had no other idea except the market price. He says:—

"We have a register noting sales of land and buildings in Calcutta.

"Previously the land values were generally based on these sales. The market was steady and the sale values could fairly be referred to for this purpose. At the present time, this task has become very difficult. The sales that are recorded are generally for lands with buildings, and the prices are generally fancy prices, and are so abnormally high that they cannot be reasonably regarded as fair values for the land and buildings.

"The only thing that can be noticed from the records of sales of the same property at different times in different localities is that there has been an appreciation in the values of the properties in Calcutta by cent. per cent. in the minimum over normal values of the pre-war days. It can be expected that this minimum appreciation will be maintained for some years to come.

"Keeping this in view and keeping in view the land values allotted during the previous general revision of the ward, while giving land values in a particular ward, I fix values for the frontage land of the premises abutting on the different streets in the ward, and then allot values for lands of different premises in consideration of their position, size and other factors.

"I am giving below some specimens of land values for the frontage land of properties in some of the different streets as decided by me." And he gives a statement showing the valuation of frontage land on different streets:—

Ward No. 11.

1. Wellington Street—Rs. 12,000 to Rs. 15,000 per kottah.

2. Wellington Square—Rs. 10,000 per kottah.

3. Dharamtala Street—Rs. 10,000 per kottah.

4. Creek Row—Rs. 8,000 per kottah.

5. Circular Road, Lower—Rs. 10,000 per kottah.

6. Bowbazar Street—Rs. 15,000 per kottah.

7. Sashibhusan Dey Street—Rs. 6,000 to Rs. 12,000 per kottah.

8. Banka Roy Street—Rs. 6,000 to Rs. 7,000 per kottah.

9. Nebutala Row—Rs. 8,000 per kottah.

10. Fordyce Lane—Rs. 6,000 per kottah.

Ward No. 10.

1. Ganesh Chandra Avenue—Rs. 15,000 per kottah.

2. C. I. T. Sch. XXXVIII—Rs. 15,000 to Rs. 20,000 per kottah.

3. Bowbazar Street—Rs. 15,000 per kottah.

4. Wellington Street—Rs. 12,000 per kottah.

5. Dharamtala Street—Rs. 15,000 to Rs. 20,000 per kottah.

6. Chittaranjan Avenue—Rs. 15,000 to Rs. 20,000 per kottah.

Ward No. 13.

1. Chowringhee Road—Rs. 20,000 to Rs. 25,000 per kottah.

2. Kyd Street—Rs. 8,000 per kottah.

3. Dharamtala Street—Rs. 15,000 to Rs. 20,000 per kottah.

4. S. N. Banerjee Road—Rs. 12,000 to Rs. 15,000 per kottah.

5. Marquis Street—Rs. 7,000 to Rs. 8,000 per kottah.

6. Wellesley Street—Rs. 8,000 to Rs. 10,000 per kottah.

Ward No. 6.

1. Upper Chitpur Road—Rs. 15,000 per kottah.

2. Vivekananda Road—Rs. 12,000 per kottah.

3. Chittaranjan Avenue—Rs. 15,000 per kottah.

4. Cornwallis Street—Rs. 15,000 per kottah.

5. Beaton Street—Rs. 10,000 per kottah.

6. Manicktala Street—Rs. 8,000 per kottah.

7. Muktaram Babu Street—Rs. 10,000 per kottah.

8. Baranashi Ghosh Street—Rs. 7,000 per kottah.

31. This valuation by belting was not in vogue before, and even in 1947 or 1948, it was not a usual method, and in any case it is a land-acquisition method or a market value method which section 127(b) does not contemplate. It may be said of course, that a rough and ready method is necessary when you are out to value 20,000 premises, but the method, however, rough or ready must not be in direct conflict with the law like the valuation of buildings at old rate with depreciation which means a progressive diminution of the original annual value of buildings falling within section 127(b) kept from view by the progressive increase of the value of the land.

32. The Commission will have to consider what should be the proper method of valuation, whether section 127(b) ought to be repealed, or amended, or whether section 127(a) should be repealed, as one witness suggests and even the Corporation recommend, or whether there should be a third method so far as certain special properties are concerned, as the Assessor suggests. These last will have a bearing on the question, and certain other facts connected with assessment must also be stated before the remedy is discussed and recommended.

33. *Prima facie* certain kinds of special property would seem to require special treatment. These are cinemas, bazars, hotels, factories, warehouses, waterworks, gasworks, electric concerns, hospitals, schools, colleges, canals, tramways, gas mains, and gas posts on the streets, railways and railway properties, sporting rights and so forth. Some of these should be examined in order that it may be seen whether both the categories are necessary or one of them will do as more suitable of the two.

34. Whatever the nature of the property the mode of assessment will be one or the other, section 127(a) or section 127(b). There is no third method. When, therefore, there is a house partly let and partly occupied by the owner, not being a house ordinarily let or intended to be let, it is not permissible to assess the portion let under section 127(a) and the portion not let under section 127(b). It must be assessed under one or the other ignoring whichever mode of occupation does not touch the substance in one or the other. Difficulty is sometimes experienced in putting a property into one or the other. Take, for instance, the cinemas. There are 64 cinema houses in Calcutta, and the method of assessment is the method under section 127(a). In some cases this is the right method, for instance, when the owner of a cinema house lets it out to a lessee who carries on the business. The annual valuation, in such a case, would be a fair rent. In some cases actual rent is taken as the fair rent. The fair rent, however, is generally assessed by taking a certain proportion of the receipts, for instance, Basusree, a cinema house, is thus assessed:—

Owner: Ranajidas Dhanuka.

Occupier: Satya Bhushan Bose.

I—Shop	}	Rs. 10,000 per month.
II—Coffee House		
III—Office		
IV—Office		

Central portion cinema hall.

Seats: 4th class—106 at 5 annas	}	Rs. 2,500
3rd class—120 at 8 annas		
2nd class—120 at 13 annas		
1st class—100 at Rs. 1-2		
Balcony—100 at Rs. 1-4		
Dress Circle—20 at Rs. 1-15	per month.	
Ladies—50 at 11 annas		

Take the value of the whole seats multiplied by 3 (as there are three shows) less 40 per cent. Of the balance, 60 per cent. is allowed to the distributor.

Out of the nett 40 per cent. something is allowed for cost, etc., the remainder is taken as the rental value. Other rooms, etc., in the 1st, 2nd and 3rd stories—total rent Rs. 600 per month. Total—Rs. 4,100.

It looks like taxing the income or profits, not permissible by the Act, but one may look at them to see whether a hypothetical tenant, looking to the profits would pay the figure taken as reasonable rent. It is not possible for us to say whether the figure that was taken was reasonable rent, but the rental method would seem to suit a cinema more than the other method though caution is necessary to avoid taxation of the income. It is permissible, however, as we said, to look to the profits as a hypothetical tenant would certainly look to them to offer his reasonable rent, though he would not take into consideration the profits attributable to his personal qualification alone. The rent of a chamber occupied by a barrister would not depend upon his income.

35. Let us now turn to a bazar or market. In a market there are always certain permanent shops paying rent, and some vendors, selling vegetables or fish or other things, making daily payment of the nature of tolls. There may be a question whether these tolls are rent, but one is entitled to look at these to ascertain reasonable rent for the land they occupy in a bazar. Bazars, therefore, have been actually valued under section 127(a) and the rents and tolls actually paid, or entered as actually paid are in their totality taken as the reasonable rent per year. There is in such cases great scope for under-valuation, and we have no doubt that this has happened, but the method is section 127(a) and is certainly more suitable. For instance take the Koley Market, 144, Bow-bazar Street, Ward No. 2:—

Koley Market—4-storied building (office, shops and bazar).

	Rs.
Old valuation	... 24,256
Proposed valuation	... 26,155

The valuation Rs. 26,155 is thus reached:—

	Rs.
Rents paid by permanent tenants	... 2,421
<i>Less "electric"</i>	... 600
	<hr/>
	1,821
Daily collections—total per month	... 1,170
	<hr/>
	2,991

The daily collections are from the daily rated vendors; any one who has seen this bazar would suppose that Rs. 1,170 instead of being the monthly total of daily collections would probably be less than the daily total. In any case, to value a bazar, section 127(a) would be more suitable. Similarly hotels, factories, warehouses fall naturally into section 127(a). One would suppose that there should be no difficulty in fixing the reasonable rent of a house occupied by the owner and not let out. A Rating Officer should ordinarily find little difficulty in fixing a reasonable rent even for such houses, as hospitals, schools or colleges, although now they must be valued under section 127(b), if they are not hired. In Bombay all lands or buildings are valued by the rental method, and not by the contractors' test and warehouses, godowns and houses of that kind, are valued at so much per 100 square feet, so that an evil-disposed Assessing Inspector cannot value as he chooses. The method is a rough and ready method, but consistent with the law and not a rough and ready method in breach of the law as

in Calcutta. Tramway tracks, and gas mains, electric wires and poles and telephone lines on or under the streets of Calcutta are not assessed owing to something, so it is said, in the agreement touching tramways, something in a statute touching telephones, and doubt as to the liability of the rest to the rate. There was some difficulty in assessing canals, these not falling within a ward, assessment or at all events revaluation being limited to lands and properties within wards, but a sum is paid in respect of the canals assessed under section 124, Calcutta Municipal Act, though no revaluation is open. Railways are not liable to the rate except so far as the Central Government directs by a notification under Act XXV of 1941. The Central Government has issued a notification declaring that the Bengal Nagpur Railway shall pay the consolidated rate. We are informed that there is a similar notification in respect of East Indian Railway. East Indian Railway properties falling within Calcutta are assessed, and we have seen two cases of certain sections of the railway tract assessed at Re. 1 and Re. 1-4 per kottah per month, but the rate applied is 12½ per cent. for which we could see no justification except as we were informed, a very old practice whose origin could not be shown. Sporting rights on the maidan are not assessed, the maidan being outside the Municipality but these in municipal parts are assessed, though with some indulgence.

36. Machinery is excluded in calculating the value of any land or building under section 127. There is no definition of machinery, and difficulty is experienced in deciding whether in a given case a plant in its entirety should be excluded, or such portion of it as is machinery scientifically speaking. In Corporation of Calcutta *versus* Cossipore-Chitpore Municipality, 26 C.W.N. 761, Their Lordships of the Privy Council held that what is machinery is to be decided on the facts of each case. So that it is by no means clear, whether in assessing a Gas Factory the gas holders should be excluded. This difficulty about machinery might arise in assessment under section 127(a), and possibly more under section 127(b), so that machinery is not a reason for preferring 127(b) to 127(a), but a definition of "machinery" would seem to be necessary, or if that is not possible, a schedule of machineries that ought to be exempt ought to be added to the Act. That would be definition by type and more is useful to assess than a scientific definition which is difficult to grasp or apply; but under section 127(a) the present or absence of machinery may not make a difference to fair rent, if assessed on the profits method as explained below.

37. **Intermediate Assessment.**—Under section 131 of Calcutta Municipal Act assessment is made, ward by ward, of lands and buildings every six years. This assessment remains in force for six years and thereafter may be revised. *Bustees* however may be revalued annually; and new buildings or substantial additions or alterations to buildings, constructed or made during the currency of the said period of six years may be assessed. This assessment between two general valuations is called intermediate assessment. General revaluation takes place, one ward, and sometimes two wards, at a time, but intermediate assessment fastens upon, or ought to fasten upon, whatever new buildings or additions are made during the currency of a general assessment. The Intermediate Assessment Section of the Assessor's Department is a large section in charge of a division, and 38 Assessing Inspectors provided with bicycles, so that they may move about and detect new constructions. Despite the large establishment and despite the fact that the Building Department also has a large staff of Inspectors supposed to be out to watch new constructions, numerous buildings escape intermediate assessment until the general valuation arrives, or until a little before it, so that they enjoy exemption

from the rate for periods short of six years. The rules, if followed, would eliminate chance of escape, but not if the Inspectors of either department shut their eyes to it. No building can be constructed in Calcutta, except a boundary wall, of a certain height, without a sanction granted by the City Architect, and the City Architect after issuing a sanction, sends a copy to the District Building Surveyor and he sends also lists of building sanctions to the Assessor. There are two rules, No. 19 and No. 20 of Schedule XVII, requiring every man who proposes to erect a building to notify to the Corporation the date on which he proposes to commence the work, and the date on which he completes it. Failure to comply with these rules entails fines. The rules are not enforced. The City Architect does not know, and could not tell us from any entry in his office when a building commenced or was finished, much less inform the Assessment Department. There is no such practice, he says, but, says he, lists of sanctions are sent to the Assessor. On this point the Assessors says (his report dated 5th October 1948) :

"We get a list of sanctioned buildings from the Building Department, but it is not sufficient for preventing any building going unassessed after completion. Formal sanctions to building plans are issued not infrequently long after the buildings are completed. In case of new buildings the parties have to approach us for assessment in order to get water connection, but in case of additional buildings they have no such necessity. Such additional buildings may escape assessment unless the Assessment Department detect them in time."

He does not say why the Deputy Assessor in charge of Intermediate Assessment does not detect them or see that they are detected or reported. Every property that escapes intermediate assessment is a reflection on the efficiency of his staff and of this own.

38. It appears, however, that people can get filtered water in new buildings not assessed. The Executive Engineer, Water Works, writes in effect that, ordinarily, water connections are not given before assessment, but "when the buildings are not assessed but are going to be assessed within a few months, filtered water connections are granted through house meters on receipt of agreement on Re. 1 stamped paper furnished by the parties." To 5/1F, Bagmari Road, a new two-storied unauthorised building, he gave water connection without knowing that the building had been assessed, and although he writes in his report in answer to our letter No. I/C-50, dated 12th April 1949, "no supply of either filtered or unfiltered water is allowed to any person for construction of building in the absence of a sanctioned building plan or permit from the Building Department." This looks all right, but 5/1F, Bagmari Road, got a sanction for connection before assessment, and actual connection without information that the assessment had taken place, and in answer to our enquiry whether a person constructing an unauthorised building received, on payment of fees, the usual license for depositing building materials, or erecting scaffolding on a public street or Corporation land, the answer is that a license to do these things is granted without inquiry as to whether the construction is unauthorised (*vide* report of the District Engineer of District No. III, dated 26th April 1949, forwarded by the Chief Engineer in answer to our letter No. I/C-50, dated 12th April 1949). It is plain that numerous unauthorised buildings are constructed in Calcutta without any difficulty whatever, and they escape intermediate assessment. It should not be supposed that these buildings are difficult to detect. The Assessing Inspectors and Building Inspectors know their respective areas, and go about or are expected to go about on duty on bicycles, and some of the buildings are too prominent to be missed. In Appendix XV will be found some 133 houses or substantial additions to houses that had

escaped intermediate assessment in eight out of the thirty-two wards, and which were detected at the last general valuation. We do not feel confident that the list is exhaustive so far as the additions go. These houses are in some of the principal streets, Lower Circular Road, Dhurrumtolla Street, Ripon Street, Wood Street, Belliaghata Road, Dr. Suresh Sarcar Road, Middle Road, Entally, Ballygunge Circular Road, Bondel Road, Bright Street, Broad Street, Dover Road, Hazra Road, Lansdowne Road, Rowland Road, Sayed Amir Ali Avenue, Queens Park, and so forth. Houses in some of these streets are like houses set on a hill and cannot be hid. Take for instance, 115E, Dhurrumtolla Street, the property of a former Councillor. It is a five-storied building, full of shops and offices. Nobody can miss it, much less one who has to keep a look-out. The construction of the building began under a sanction in 1935. There was a demolition case for deviation in 1936-37 which was dropped. A copy of the sanction was sent as usual to the District Building Surveyor and Building Inspector to keep an eye on the construction. In the middle of 1943 the fourth-storey was completed, and it escaped assessment from 1942-43 to 1947-48. In 1942-43 the annual value was Rs. 1,800. In 1948-49 the annual value has been found to be Rs. 11,030 because of the additions to the third storey and addition of a fourth storey. This will show the kind of loss that takes place by reason of the omission to make intermediate assessment. Rajas Katra : 57, Clive Street, was valued at the last general revaluation which took effect on 1st January 1947 at Rs. 1,92,458. On 1st October 1948 the value rose to Rs. 4,41,774 because of additional structure. In answer to our enquiry the Assessor says that there was no record to show the exact date of the completion of the additional structure. So that it cannot be said how much was lost to the Corporation. It certainly looks that Rs. 1,92,458 was fraudulently low. The construction was discovered on 1st October 1948 and it was too extensive to have been completed on that very day.

39. The assessment is made under section 131 of the Calcutta Municipal Act by the Chief Executive Officer. This power to assess is a power given to him by the Act, and not delegated to him by the Corporation under section 12. Under the section 12(3) the Executive Officer may delegate this power to any municipal servant except the power under section 140 of the Act—the power to hear objections. The officer to whom the power has been delegated is the Assessor and Appendix XIII will show the organisation of his department. The Assessor makes the assessment, ward by ward, as already stated (or sometimes two wards at a time) and the Executive Officer gives a public notice of the place where the Assessment list may be inspected, and he will give also a special notice to the person affected where a land, or building, or *bustee*, is valued for the first time, or the valuation is increased. Under section 139 a person who is dissatisfied may object to the valuation. The objection is heard by the Chief Executive Officer, or by a Deputy Executive Officer, and the order passed is recorded in the register of objections. Under section 140, a person dissatisfied with the order may appeal to the Small Causes Court. The result is entered in the Municipal Assessment Book. Under section 146 notwithstanding the previous decision as to the valuation, the Executive Officer may, among other things, reduce the valuation or may increase the amount of valuation where the under-valuation at the last general valuation was substantial and due to misrepresentation or fraud. This last power can be exercised only by the Chief Executive Officer. The provision in effect is that the valuation cannot be increased except by the Chief Executive Officer, and only under the ground of fraud or misrepresentation.

40. As the Executive Officer is the authority that makes the assessment, Mr. Parks and every witness who spoke on the point thought it open to serious objection that he should be also the appellate authority. It is well known, however, that an order passed ex parte is subject to the tacit term that it may be revised by the authority who made it, and in this case the assessment is not made by the Executive Officer at all, but by a subordinate, the Assessor. We see, therefore, nothing objectionable in this practice although there may be other grounds for changing the system. The real appeal is to the Small Causes Court.

41. One of these grounds is the way the objections were disposed of, and the time taken in getting them heard. When the Commission commenced its work, on 1st May 1948 to be quite exact, the total number of pending objections under section 140 was 15,835 and the number under section 146, 568, i.e., 16,403 in all. Of these there was one case of the year 1940-41, three cases of the year 1941-42 and 21 cases of the year 1942-43. On 1st April 1948 the figure was 17,525, so that in a month the Deputy Executive Officers had disposed of 1,690 cases. We are informed that if all the three Executive Officers go on hearing objections as they had started doing, the total disposal would be 1,800 per month. It cannot be expected, nor is it desirable, that Executive Officers, instead of doing administrative work, should go on hearing objections like judicial officers, and the pending list is evidence that the system should be changed.

42. In Appendix XVI will appear figures for disposal of objections for the years 1945-46 to 1948-49 and also the figures for cases under section 146 in which the valuation was reduced after the decision under section 140 or after that stage. It will be seen that in 1945-46 the total number of objections disposed of was 12,665, in 1946-47 5,797, in 1947-48, 5,510, in 1948-49 7,329. One expects that the figure 7,329 includes the figures reported as pending from 1940-41 to 1942-43. Of course 1,800 cases per month had not been realised. As to cases under section 146, there were 1,172 cases in 1945-46, 1,175 cases in 1946-47, 710 cases in 1947-48 and 890 cases in 1948-49. These figures require some attention, as it is necessary to see why it became necessary to utilise this section to reduce the valuation.

43. The reason why the Chief Executive Officer or Deputy Executive Officers should not continue to hear objections is not that he sits in appeal over his judgment, but the fact that the administrative head of the Corporation of Calcutta, unless he is reduced to a figurehead as he had been, cannot possibly find time to sit down and hear cases. The same remark would apply to the Deputy Executive Officers, if they really know and do their work. A further fact is the opinion expressed by the public that appeals against assessment should be heard by an independent body which may be called the Assessment Committee from whose decision there should be no further appeal except to the High Court, and that only on a point of law. Apart from general considerations in support of these proposals, the way in which objections have been hitherto decided do not inspire confidence. We have seen numerous cases, and we have little doubt that the decisions were not fair to the Corporation. The Assessor's valuation was reduced in most of the cases without any reason whatever. No reason was recorded in any case except one, heard after the Commission started its inquiry, and although the Corporation itself recorded a resolution (Agenda 57, dated 28th February 1947), that reason should be recorded, it was not done on the short ground that the Act did not require that reason should be recorded. Examination of the cases does not

show that the reason, though not recorded, might have been some good reason. On the other hand it became manifest upon closer examination that the reduction was either capricious, or intended to please somebody, particularly a Councillor. We shall give some instances below, but everything that we have seen and heard confirms the truth of the following statement by Sri Bhaskar Mukherjee, the Chief Executive Officer, who resigned in 1948. He says:—

"With regard to assessments, possibly the largest number of requests come in. Indeed the settling of appeals of assessment in a ward is regarded as the exclusive privilege of the Ward Councillors. This is usually taken as a matter of course. Curiously enough, rate-payers have also come to regard it so. Apart from this, there are certain Councillors who regularly take interest in the assessment all over the city, that is, their interests are not confined to any particular ward, but to all wards. The Deputy Executive Officer deciding assessment cases is practically surrounded by Councillors with requests and importunities, even threats and intimidations, and his decision is in 99 per cent. cases only a resultant of the forces to which he is subjected. The voice of the officers of the Assessment Department is drowned in such an atmosphere, and the rate-payers are made to feel that the last word is nobody else's but of their Ward Councillors."

Mr. J. H. Methold, a former Councillor, on being told that many witnesses suggested an independent tribunal to hear assessment appeals, said:—

"I think that is a very sound suggestion based upon past experience as to interference with assessment. Councillors sit before the Chief Executive Officer or his Deputies when they hear assessment cases, and they do interfere and there is temptation for the officers in question to reduce assessment, naturally to the detriment of Corporation revenue."

It must have been noticed what Mr. Mukherjee indicates that certain Councillors actually practised in assessment cases from all over Calcutta and their argument was "importunity" and "threat". The Executive Officers for reasons stated in Chapter II of this report were in a position of complete subservience to certain influential Councillors, and had to do what would please them at the cost of the Corporation of which they were the servants.

44. Actual instances showing the justice of these remarks are numerous, and we give below only a few of them which admit of no other explanation:—

78, *Cossipore Road*.—Assessor's valuation, Rs. 28,824; Annual value 5 per cent., Rs. 1,441.

Confirmed, but reduced under section 146 to Rs. 600 on 11th March 1948 by Mr. M. Roy, Deputy Executive Officer II. The reduction has been described as L.S. (lump sum) which means a reduction on no special ground. No reason recorded, but there is a petition by the owner alleging that his circumstances were bad. If the Deputy Executive Officer had mentioned poverty as the ground of reduction, he would be wrong, as the rate has nothing to do with ability to pay. We attended the hearing of objections by the Chief Executive Officer on 5th May 1948 and we heard him enquiring of an objector what his income was, how large his family was, and so forth, and we heard him also make an order reducing the assessment.

45. A few other instances may be given:—

133, *Raja Rajendra Lal Mitra Road*.—Assessed under section 127(a).

Assessor's valuation Rs. 5,175, reduced to Rs. 874 upon objection. No reason for reduction recorded.

19/1, Tarak Chatterjee Lane.—Annual valuation Rs. 313, reduced on objection by Mr. Mukherjee to Rs. 200; further reduced to Rs. 159 on the ground that in valuing the building old rate should be applied, and 19½ per cent. depreciation should be allowed. This was in direct reach of section 127(b).

1, Buttokristo Pal Lane.—A garden house. In the first quarter, 1944-45, the Assessor valued the building at old rates and valued the land at Rs. 250 per kottah, and allowed 36 per cent. as depreciation on the value of the building estimated at old rates, all obviously intended to reach as low a figure as possible, Rs. 4,463. The Deputy Executive Officer II reduced it to Rs. 1,275 as L. S. reduction. The owner is an influential Councillor.

	Assessor's valuation after objection.	Rs.	Rs.
31, Mahendra Sreemany Road ..	777	660	1945-46.
38, Mahendra Sreemany Road ..	777	490	..
15B, Mahendra Sreemany Road	803	755	..
29, Mahendra Sreemany Road	2,624	2,375	..
58/3, Raja Dinendra Street ..	3,025	2,500	..
11/4/1, Ram Krista Das Lane ..	468	325	..
11/5, Ram Krista Das Lane ..	845	780	
12/1, Ram Krista Das Lane ..	1,029	900	
104A, Upper Circular Road ..	6,106	5,500	
104B, Upper Circular Road ..	1,117	777	
204C, Vivekananda Road ..	1,792	1,312	
283, Upper Circular Road ..	1,197	625	
1, Brindaban Mullick 1st Lane	1,075	700	
2, Brindaban Mullick 1st Lane	944	750	
105, Upper Circular Road ..	3,499	1,500	
52A, Mosque Lane ..	349	201	
54/10/1A, Chingrihata ..	3,436	874	
1E, Chowringhee Square ..	1,944	1,458	
1F, Chowringhee Square ..	2,044	1,652	
1K, Chowringhee Square ..	1,555	1,360	
1L, Chowringhee Square ..	1,555	1,166	

The reductions are generally L. S. reductions under section 146.

There are numerous such cases, and an objection generally means some reduction, and in no case could we discover or guess any reason for the reduction made. We have found, on the contrary, in many cases that the reduction was odd. Assessment based on actual rent was being reduced, and the L. S. cases (lump sum reduction cases) were avowedly reductions without any reason whatever, and an indulgence. We have looked at the assessment of the properties of some of the Councillors. They were generally low to begin with, and the man below, namely, the Assessing Inspector, was assessing as low as possible, and even that assessment was reduced without reason by the Deputy Executive Officers. We could find no case in which the assessment was increased under section 146, so that the annual value put down by the Assessing Inspector was never increased, but frequently reduced. We have no doubt that, generally speaking, the assessment was not fair and in applying the section 127(a) and section 127(b) the true rule was never applied. Nobody seems to be aware that what was stated to be the actual rent is not necessarily the reasonable rent, and that the figures given for actual rents should be checked and buildings have to be valued at the present rates, and not at the old rates with depreciation.

46. The following figures will be of some interest in this connection:—

Total Revised Valuation of Wards 1—32.

Total revised valuation (Assessor's valuation) of Wards 1—32 is Rs. 12,85,03,237. This valuation may now be classified as:—

	Rs.
(1) The amount of the revised valuation to which objections have been heard by the Executive ...	5,18,33,462
(2) The amount of the revised valuation to which no objection has been filed ...	4,16,66,431
(3) The amount of the revised valuation to which objections are pending for hearing ...	3,50,03,344
Total ...	12,85,03,237

Revised valuation in (1) above was reduced on hearing to Rs. 4,65,82,984.

That means a reduction of over 10 per cent.

Port Commissioners' properties.

	Rs.
Revised valuations of Port Commissioners' <i>pucca</i> properties ...	80,40,504
Revised valuations of Port Commissioners' <i>bustee</i> properties ...	5,24,320
	85,74,824

Out of the Port Commissioners' *bustee* properties the amount of revised valuation objected to was Rs. 27,092 and the same was reduced on hearing to Rs. 26,536.

47. Leaving aside Port Commissioners' properties, 10 per cent. reduction would mean a loss of Rs. 28,27,070 per year for six years. Of course, one does not suggest that all objections should be dismissed, but knowing as we do, that the Assessor's valuation is gross under-valuation, and knowing as we do, the capricious, or reckless, or improper deduction granted in disposing of the objections we have little hesitation to hold that the loss due to the Assessor's under-valuation must be added a good part of the reduction by the Executive Officers. It should not be within the power of a single officer to reduce summarily the assessment without recording any reason or any reason that one could guess. We could not get figures for any year showing the total valuation and the valuation left after the decision of the objections, except for four wards, Nos. 1, 24, 25 and 26, taking effect respectively from the first quarter of 1938-39, fourth quarter of 1938-39, second quarter of 1938-39 and fourth quarter of 1937-38. Taking the figures for Ward No. 1, these were:—

Revised valuation, Rs. 44,57,587.

The valuation objected to amounted to Rs. 29,95,289.

As a result of these objections Rs. 44,57,587 was reduced to Rs. 41,82,301. That means, in that single ward there was a loss of Rs. 60,563 per year if the valuation was reduced without any reason that is known. Nobody will suggest that objections should not in any case lead to reduction of the annual value, but we would point out the responsibility of those who hear objections, and allow "L.S." reductions or reduction on no grounds or on insufficient grounds with knowledge which they could not have avoided that the assessment that comes before them was low,

Mr. Gurner points out that when the Executive Officer is both the Assessing authority and Objection authority one might expect the margin between the original and revised assessment to remain narrow but look at the figures:—

Average of Assessor's "excess" set aside.

1915-16 to 1917-18—31 per cent.

1925-26 to 1927-28—43 per cent. (maximum in one year 61 per cent.).

1937-38 to 1941-42—70 per cent., in one year 85 per cent.

48. Vacancy Remission.—Under section 151 when a land or building which has been assessed to the consolidated rate has remained unoccupied and unproductive of rent for a period of 60 or more consecutive days, and a written notice of the fact is given to the Executive Officer, the Executive Officer shall, upon receipt of a notice of vacancy, remit one-half of the owner's share of the consolidated rate due on account of such period, or if the whole share has been paid, will refund it on application. There is a proviso that if a land, not being "wakf" or "debattar" property, is in the opinion of the Corporation suitable for a building site, and is not adequately utilised for such purposes for a period of more than 3 years, the right to remission shall cease, unless the Corporation exempt such land from the operation of this proviso on the ground that it is necessary for the land to be left open for the purposes of ventilation, or that in their opinion special circumstances exist which render it impracticable for the owner or lessee to utilise the land as building site. It will be seen that the Corporation can exempt the land from the proviso on certain specific grounds, but on 21st January 1938, the Corporation confirmed a resolution of the Finance Committee, to recommend to Government the repeal of the proviso. The proviso was not repealed, but the Assessor writes to say that he is not giving effect to the proviso because of the said recommendation. He had no right to ignore the proviso so long as it stood, and the result is that lands which are not entitled to remission are continuing to enjoy it. There is a suggestion that the proposal of the Corporation was for the benefit of land-owners who would not sell building-sites until land-values rose still higher. We do not know whether there is anything in that suggestion, but the effect is loss of revenue, for the last 11 years. Fifty-seven lands are now enjoying vacancy revenue for more than three years.

49. The system of remission on account of vacancy is in vogue in England, and one should be chary of recommending its abolition, but this rule of remission has given rise to infinite trouble, if not fraud. We came across a case in which a person got the compound of his house severed on paper and numbered as a distinct premises to obtain a remission of the rate which would otherwise fall upon the house. We do not know whether there are other such cases, but one effect of this rate of vacancy remission is that numerous rate-bills out of those sent to the Collector by the Assessor for collection are sent back to the Assessor with the remark "for remission," because the Bailiff or the Inspector had come and reported that the premises to which the bills related were vacant. The following figures would show what happens (*vide* Assessor's letter dated 25th May 1949):—

Year.	Amount of rate-bills received from the Collector.	Amount of rate-bills outstanding with the Assessor at the end of the year.	Amount of rate-bills returned to the Collector without amendment.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1946-47	19,13,300 5 3	19,96,982 1 3	2,13,982 0 9
1947-48	25,16,727 5 6	27,76,931 12 3	80,356 10 0

It will be seen that demands amounting to lakhs go back to Assessor's Department, and quite a good part of them are sent back to the Collector without amendment, showing that there was no reason to send these demands back to the Collector but they were still sent for some reason not quite apparent. It is within the power of a Bailiff or Inspector to stay large demands by alleging that remission was due, though it was, in fact, not due, and thus to give certain rate-payers time to pay, and it may also be that the object is to reduce the figure for demand in the Collector's office so as to show a higher percentage of collection than it would have been possible to show if the Collector had not reduced the bills in his hands by a trick of this kind. The fact that large demands are returned to the Assessor and are sent back without any amendment must have an explanation and we have stated the reason in the chapter on "collection".

50. Port Commissioners' Properties.—Properties of the Commissioners of the Port of Calcutta falling within this municipality are assessed under sections 59 to 68 of the Calcutta Port Act (Bengal Act III of 1890) which govern the matter. The annual value in the case of Port Commissioners' buildings is 5 per cent. of the aggregate expenditure on construction plus the value of the land, and the amount payable is 9/10th of the amount payable by any other person. The Corporation determines the annual value, but in these cases there is no difficulty, as the figure for annual value is not an estimate, but actual cost. Usually it is done upon a return of capital-cost construction submitted by the Port Commissioners. The appeal from the assessment is to the local Government. The valuation, once made, remains effective for six years, and may be revised after that period. As to tenants' buildings on the Port Commissioners' land, the method is the same as that in section 127(b) of the Calcutta Municipal Act, but without adding the value of the land. The valuation of these structures may be made annually but until a new valuation is made, the assessment remains in force. The rates for these buildings are paid by the Port Commissioners with a deduction of 1/10th. Intermediate valuation for new or additional building is open, but had not been made in some cases in 1948 when we looked into the matter. It was made subsequently, and although the Assessor admits that it was his duty to see that the intermediate assessment is made in time, he justified the delay by saying that the intermediate valuation, whenever it takes place, takes effect from the time at which it should have been made and when it was pointed out that this was not the provision of the Act, he observed that the Port Commissioners never raised difficulties of this kind despite the delay, but the obvious comment is that the delay should not have occurred. A point in connection with this subject is that although land values have enormously increased in Calcutta, the valuation of the Port Commissioners' properties remains low, the cost of acquisition of their land being very low, such as a few rupees per katha, when it took place. It may be considered whether in the case of Port Commissioners' properties section 127(b) should not be applied, if that method of valuation remains in force. The total annual value of Port Commissioners' properties is Rs. 5,04,886.

51. So far as the facts go, we have set them forth in some detail and they may be summed up thus: The assessment of lands and buildings in Calcutta has generally been low and fraudulent, i.e., in fraud of the Corporation revenue. It is particularly indulgent to the rich and to the Councillors. There are 20,642 houses in Calcutta assessed under section 127(b) and their total valuation is Rs. 4,50,07,547 at 31st March 1948. There are, at the same date, 54,302 rented houses assessed under section 127(a), and the total annual

value is Rs. 6,15,11,316. So far as the rented houses are concerned, the basis of assessment is, generally speaking, actual rent or a figure put down as actual rent, though the actual rent was, generally speaking, more; and, of course, generally speaking, there was no assessment of the reasonable rent which is the measure of the imposition, and not actual rent which by reason of covenant or statute might be more or less than reasonable rent. The loss on account of such reduction of the annual value must be considerable, and as the sample survey referred to shows the present annual value of the rented houses, as it appears on the assessment list, is about half of the true annual value, if it is honestly determined under the Act. As to the houses or buildings valued under section 127(b), buildings have been valued deliberately low by valuing at the old rates, and not at the present rates, and yet allowing a depreciation. That makes a large difference as building rates are now four times higher. The Assessor had no power to apply rates which are neither the old rates nor the present rates and as to the land, valued as part of the building under section 127(b), it is fairly obvious that they were valued at what was supposed to be the market rate, and not at what would be their value if taken along with the buildings, and the facts of each case. This last, though required by law, is difficult to achieve when one has to value more than twenty thousand houses. In the nature of the thing, section 127(b) is a rule that cannot be reduced to a rule of thumb, if each individual building is to be valued as an individual taking into account its peculiar features. That being so it will have to be considered whether section 127(b) should remain at all as a statutory method of valuation, if nobody can satisfy its terms. Apart from the loss resulting from the consequent undervaluation, there has been frequent omission to make intermediate assessment and the objections have reduced the Assessor's valuation, itself generally low, without, generally speaking, reasonable grounds or any ground. Unauthorised buildings or even authorised buildings very often escape assessment until general valuation. There is no co-ordination between the Building and Assessment Departments, and nobody seems to know when a building is commenced or when it is completed, except the Building or Assessing Inspector in whom motive to report was less strong than the motive not to report. People would pay to reduce public demand that will not change for six years. The Assessing Inspector's figure has never been increased. No Assessing Inspector was even punished for making too low assessment. Section 146 of the Calcutta Municipal Act was never used to increase the valuation on the ground of fraud. And in the entire department from top to bottom there is not a single rating expert.

Assessment book.—As soon as the assessment becomes final, the figure for nett annual value gets upon the Assessment Register against the premises to which it relates, the names of the owner or owners and the occupiers being also entered there. There is a provision in the Municipal Act (section 145) which imposes upon the transferee of any premises, the duty of giving the Executive Officer notice in writing of the transfer; and there is also a duty, upon death of the recorded owner, in his legal representative to give a similar notice of the devolution. There is a penalty attached to the omission to give this notice, but it is perfectly obvious that obedience to this rule is not insisted upon. The result is that the register is not up-to-date so far as the owners' or occupiers' names are concerned, and although there are applications for mutation, these touch a small proportion of the entries, and there seems to be some truth in the statement that there are minors on the register who have remained minors all their lives. Mutations, even when applied for, are delayed, and the Assessor sometimes does not always know whether in a given case the mutation has actually taken

place (*vide* correspondence touching 11A and 29, Sambhu Babu Lane). The inconvenience of this state of things is obvious. Rate bills are sometimes issued in old names giving the present owners a reason or pretext to withhold payment; but the greatest difficulty is experienced by the Law Department when it institutes suits to recover arrear of rates. They usually institute "charge suits" and in such suits it is dangerous to omit a necessary party, so that to collect the names of persons interested, a lot of local inquiry and inquiry at the Sub-Registry become necessary, but with what result the Commission is unable to say.

52. The question now is what should be the remedy to the state of things we have just described, the deliberate under-valuation in fraud of the Corporation revenue.

53. Several witnesses have deposed on the subject. We shall consider the evidence of some of them, but the first point that has occurred to everybody is that the methods 127(a) and 127(b) cannot possibly lead to the same result though the intention of the framers of the Act apparently was that they should. There is no reason why a house occupied by a tenant and a house occupied by an owner ought to have different annual values. Cost of buildings, however, has risen very high but actual rent is restricted by the Rent Control Act, so that 5 per cent. of the capital cost of a building computed under section 127(b) is bound to give a higher figure than the stabilised rent of a house exactly similar; and as the cost of building materials and labour is soaring, the annual value under section 127(b) would diverge more and more from the rental value under section 127(a). Mr. Park says that to avoid anomalies and uncertainties of a valuation to the extent it is possible to do so, the soundest method will be the rental method, sounder than the residential method. Fair rent will be the annual value irrespective of the Rent Restriction Act. It does not matter, says he, what method you adopt so long as you arrive at a fair rent. The principles followed in England for doing so have been laid down by judicial decisions to which we shall presently refer, but Mr. Park says that to find a fair rent for all the houses of Calcutta now would be a tremendous job, as every house would have to be measured, in fact every room, before you can reduce the rent to a mathematical figure, so that you can apply the same figure to the adjoining house. There is really no other solution or short cut, but "that solution would be the hardest to-day." The only other alternative, he adds, is to stick to the present method, and to try and arrive, for the residential houses, at a percentage of the cost of land plus building which would represent a fair rent. That is the figure that you must find, and no matter which method you adopt, you will arrive at the same result.

54. If it is impossible now to find the reasonable rental value for every building in Calcutta the suggestion that section 127(b) must be so amended that the figure it yields will be the fair rent is somewhat hard to follow, particularly, as the building cost is rising, and if the percentage 5 or 4 or 3 be so taken so as to lead to fair rent it amounts to "saying" that section 127(b) should be repealed altogether and section 127(a) ought to apply in every case except that in fixing the reasonable rent, we may, in suitable cases, bear in mind and apply the principle of section 127(b), that principle, however, ceasing to be a statutory rule. In England, for instance, this principle is not unknown, and it is applied in suitable cases to get at the fair rent, and there are other principles also laid down in decided cases as methods for getting at the rental value, that is, the rent which a hypothetical tenant might reasonably be expected to pay. For instance, in dealing with certain special properties such as mills, factories,

premises used wholly or mainly for industrial purposes, docks, canals, gas, water or electricity undertakings, it is permissible, in order to estimate the reasonable rent, to look to the profits, if the profits depend upon the particular hereditament, because the hypothetical tenant would certainly look to these profits in offering his reasonable rent. Similarly, when neither actual rent, nor the profits of trade, are available as evidence for the estimation of rental value, a percentage of the capital value of the hereditament is in some cases taken as evidence, although not necessarily conclusive, for that purpose. When such a course is taken, the capital value is the value for which a hereditament as effective for the same purpose as the one to be valued could be erected on the site, and not the actual cost, nor the depreciated selling value of the particular hereditament in question. This test is often applied to hereditaments occupied by a public authority in order to fulfil a public duty and to indirectly productive portions of industrial undertakings, but not to directly productive portions; indirectly productive portions such as reservoirs, buildings, mains for transmitting water to distributing mains, and service pipes. In these cases it seems impossible to estimate a fair rent except by taking a percentage of capital cost as nett annual value. It is so difficult to value all varieties of buildings except those let or intended to be let, under section 127(b), that our Assessor in assessing cinemas and markets has adopted, without his knowing it, the profit method not known to the Act. In assessing a market, for instance, he took the total rents or tolls paid by the vendors, and thought he was assessing under section 127(a), and he thought that also in assessing a cinema by taking the seat values, and allowing a certain percentage as profits and expenses. It is obvious that most of the vendors in a market, and all the visitors to a cinema, are not tenants at all. We think therefore that the method in section 127(b) as a statutory method for valuing every building not falling within section 127(a) ought to be abolished altogether, but the principle of that section and other principles, such as the profit basis, might be employed in suitable cases to estimate the reasonable rent. As we have already indicated, these principles might be applied to achieve the object of section 127(a), in the case of certain special properties such as cinemas, theatres, tramways, railway tracts, water, gas and electricity undertakings, licensed premises, canals, brickfields, private temples, jetties, Government buildings and the like. In the case of canals, for instance, or railways the value of the traffic so far as it runs through the municipality, less expenses would be a guide to reasonable rent as intending tenant would certainly look at them to determine the reasonable rent. But there are portions of an undertaking not directly productive of profits which it will be convenient to value by the contractors' method.

55. This suggestion leaves section 127(a) as defining the annual value—reasonable rent—and it would be open to the rating authority to determine it by any of the methods approved by the authorities such as actual rents under a recent year-to-year lease between strangers, contractors' test [section 127(b)] or the profit basis, or whichever other method commands itself to the rating authority and is capable of standing a higher test.

56. This principle or these principles meet various objections raised to section 127(b), as already stated. One need not estimate the value of the land appertaining to a building, or discuss whether the value should be the market value or only the present beneficial value taken with the building. One need not find out the present cost of constructing the building which must be done under that section, but has not been done at all with a view to temper the resulting demand. One need not value a market, or theatre, or any of the special properties necessarily by the contractors' method. Middle class people occupying their own

houses need not find themselves at a disadvantage compared to similar houses let out to tenants. The wording of section 127(a) would only require some change. The words "erected for letting purposes or ordinarily let" need only be deleted.

57. We do not agree that with a view to mitigate hardship, we might retain section 127(b), and value the building as at 1939, or take the original cost of construction, as has been done. We notice that on 22nd March 1948 about 9 days before its supersession, the Corporation passed a resolution recommending to Government the repeal, not of section 127(b), but of section 127(a). Mr. Method says that the reason of that resolution was the Rent Control Act. It was feared that by reason of that Act the rent will get fixed and consequently the annual value of no less than 54,302 premises, that valuation at 31st March 1948 being Rs. 4,50,07,547. This raised a question with which we have already dealt. The measure of the rate is a certain percentage of reasonable rent. If by reason of statute or covenant, the actual rent is less than this rent, the Act would not permit us to look to this lesser figure. It has been said that that which is not recoverable cannot be rent, much less a reasonable rent, that it should be open to us to recommend that the standard rent should be the annual value. It is obvious, however, that even the actual rent is not the standard rent. It may be more, it may be less, its amount would depend upon the judgment of the Rent Control Officer. It is idle to contend that Corporation should get the standard rent declared in every case. As to irrecoverability of any part of what is to be found to be the reasonable rent, the difference that will be made to the rent will be payable by the tenants. We may add that in Bombay valuation is on the rental basis and in Madras also the basis is the same except that in a case of Government or Railway buildings or of what we have called the special properties, the contractors test is open under the statute. No statutory provision in this behalf would seem to be necessary so long as this method or any other method was a suitable method for finding a fair rent.

58. We would therefore recommend as follows:—

(1) Section 127(b) should be repealed and in section 127(a) the words "erected for letting purpose or ordinarily let" should be deleted.

(2) Section 126 should make it clear that exemption should depend upon whether public worship or public charity is a public right and not dependent upon anybody's option.

(3) That section 136 be so amended as to make a submission of a return obligatory, and the notice calling for it need not be personally served but need only appear in the official gazette and in some of the Calcutta newspapers. The return should be verified and a false return ought to be punishable under the Penal Code.

(4) That section 145 requiring notice of transfer or devolution should be enforced and in addition to the penalty under the Act under section 488 there should be a further provision that a person who has not given the notice required would not be a necessary party in charge suits for the recovery of the rates, but will be bound by the decree made in such a suit. His liability for rates will continue until the notice of transfer is received.

(5) No rate-bills should be sent back by the Collector to the Assessor because of any claim for remission without a certificate by the Collector that a written notice under section 151 was presented to him in office and not to any officer subordinate to him outside office.

(6) If section 127(b) is repealed provisos (iii) and (iv) should be repealed.

(7) In section 126(4) Rs. 100 should be substituted for Rs. 20.

(8) Objections to assessment should be heard by one or more judicial officers assisted by expert Engineers to be appointed by Government, with a right of appeal to the High Court, and that only on a point of law.

(9) There should be a statutory time-limit for filing objections, and the time will run from the date on which the draft assessment list is filed in the Municipal Office, and a notice of that date is given by public advertisement.

(10) That it should be open to the authority hearing an objection to assessment to increase the assessment, apart from fraud or misrepresentation.

(11) That if an unauthorised building is not demolished, its assessment should be at double the rate prescribed under section 125 of the Calcutta Municipal Act. This will require a proviso to section 125.

(12) That the method of valuing Port Commissioners' properties under the Calcutta Port Act should be changed and to these also section 127(a) should apply.

(13) An administrative order that fraudulent omission to assess or fraudulent under-assessment should entail dismissal of the officer responsible.

CHAPTER IV.

Building Department.

The Building Regulations, as they exist now, are contained in Chapter XXI and Schedule XVII of the Calcutta Municipal Act including any orders, rules or bye-laws made under this Act. The general rule is clear and precise under section 319 of the Act:

"319. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with—

- (a) the provisions of this Chapter and of Schedule XVII, and
- (b) any orders, rules or bye-laws made under this Act, relating to the use of building sites or the erection of new buildings, as the case may be."

Certain Government buildings are exempt from those regulations (Act IV of 1899).

2. Regulations intended to control building operations in Calcutta were first seriously framed in 1888, and are contained in Act of 1888. Before 1888 some enactments like the Act 12 of 1837, and the Act IV of 1876 did contain some rules intended to vest in the Commissioners some control over private buildings, and the Act of 1876 did give them certain powers of demolition, but this had little effect on the buildings that came to be constructed, and there were no provisions limiting the height of houses, or limiting it by the width of the streets upon which they abutted, and there was no provision for preventing the entire site being built upon. The Act of 1888, therefore, did not achieve its end, particularly as there was no special staff to enforce what regulations it had. In 1896 a Building Commission made certain recommendations, and these formed the basis of the new Building Regulations in the Act of 1899. In August 1907 the post of the City Architect was abolished, and the work of the Building Department in each district was distributed among the District Engineers under the supervision of the Deputy Chairman. The arrangement, however, did not prove a success, so that in 1912 the post of City Architect was revived. It carried a salary of Rs. 1,250 a month *plus* Rs. 100 as motor car allowance. His staff was also strengthened and there were eight Building Surveyors and ten Building

Inspectors. The ~~Chairman in his reports from~~ 1914 states that the results have ~~already~~ ~~shown~~ ~~the~~ Corporation in reviving the appointment of the City Architect.

3. Under the Act of 1923 the Department continues, and its present organisation will appear in Appendix XVII. The City Architect is in charge of the department, and under him is an officer, called Chief Building Surveyor (post now vacant), and under him are: (1) 12 District Building Surveyors, (2) one Structural District Building Surveyor, (3) one Constructional Assistant, who assists in designing municipal buildings, and preparing estimates for them and to supervise their construction, (4) one Encroachment Officer, (5) one Insecure Building Surveyor, to check and take action against insecure buildings. Besides these, there are Building Inspectors, a Hut Draftsman, other Draftsmen under the Constructional Assistant. The full list including the clerks and the peons will appear in Appendix XVII. The Encroachment Officer is a later addition.

4. The main duty of the department is:

- (1) to regulate the construction of buildings in accordance with the Act,
- (2) to prevent or cause to be demolished unauthorised buildings,
- (3) to check encroachment by buildings upon public streets,
- (4) to see that insecure buildings are repaired or vacated or demolished.

5. The Encroachment Officer and a distinct section called the Encroachment Section were created in 1937-38 as a result of an enquiry in that year. We shall come to the enquiry below:

6. Under section 319 no new building can be erected otherwise than in accordance with the Act, Rule 62 of Schedule XVII provides that the erection of a new building shall not be commenced unless or until the Corporation has granted a written permission for the execution of the work on an application sent to them under Rule 52. That the building is in accordance with the Act is not enough. It cannot be begun without permission which is granted upon an application for such permission together with plans as required by Rule 52 of Schedule XVII, namely, a site plan, a plan of the whole building, separate plan of each floor, complete elevations and sections of the work, and a specification of the work. Rule 58, however, provides:

"If within the period prescribed by Rule 57, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or bye-laws made thereunder."

Rule 57 gives 15 days from the receipt of the application or from the receipt of any information or document required under this Schedule XVII.

7. Delay on the part of the Corporation enables the applicant to steer clear of the rule requiring permission so long as the proposed building does not contravene the Act or any rule made thereunder. It need not even conform to the plan whose sanction had been delayed, so long as no rule is broken. As few sanctions are issued within the time-limit, the provision as to permission would be a dead letter, if Rule 58 were more generally known.

8. The rules regulating the construction of buildings in Calcutta are in Schedule XVII to the Act. The object of the rules is to secure a moderate degree of sanitation, ventilation, and safety of the buildings and ~~some of them~~ may be relaxed so

long as the relaxation does not affect sanitation or ventilation (section 331). There is no provision for town-planning of any description, though there is power to acquire land for certain special kinds of improvement subject to the approval of Government (Chapter 33). There is a power under section 324 to declare that in named streets no buildings will be sanctioned unless they are of a certain description, or of certain architectural features such as the Corporation may consider suitable to the locality. Leaving aside these streets, ventilation, sanitation and safety are all that the rules seek to achieve, and these are perfectly consistent with complete absence of style, beauty or proportion. And even the small measure of bare utility aimed at is defeated by the simple fact that in numerous cases rules have been broken with impunity, and even where the breaches were brought to the notice of the City Architect, these have been condoned by the Building Committee or by the Magistrate, looking to the fact that demolitions are rare and fines imposed not deterrent.

9. Leaving aside the rules whose object is safety and sanitation, such as the rules regulating the thickness of walls, and the level of floors so as to secure drainage into the sewer, the rules, generally broken, are the rules of ventilation. There is a rule that ordinarily no more than two-thirds of a site should be built upon (Rule 23). There is another rule that, ordinarily, the area of a courtyard of a dwelling house should be at least one-fourth of the aggregate floor area of the rooms and verandah abutting upon it (Rule 29). There is a third rule requiring certain amount of open back space (Rule 30), and a fourth rule requiring a certain amount of side space separating the building from its neighbour (Rule 32). Lastly, there is Rule 3 regulating the height of a building relatively to the road upon which it abuts. This rule is subject to exceptions, but the rule is 45° angle rule, which means, in plain English, that the building on the margin of a road should not be, roughly speaking, higher than the width of the road, though on a 12 feet road a 28 feet high two-storeyed building is permissible.

10. The ordinary practice is, or should be, that a man proposing to construct a building in Calcutta submits a plan and will build when the plan is sanctioned. He is required, under a penalty, to inform the Corporation when the building is commenced, and when it is completed. After it is completed, be it a new building, or only an addition, it is assessed for the consolidated rate, and filtered water connection given, if not already existing.

11. It is the duty of the Building Inspectors to watch the progress of a sanctioned building so that there could be no deviation from the plan, and it is their duty to note and report completion. It is also their duty to report all unauthorised construction. The Building Inspectors work under the supervision of the District Building Surveyors, and these, as well as the Inspectors, are outdoor officers, and get a conveyance allowance in order that they may go round in their respective districts and detect and report breaches of the building rules.

12. Investigation shows the following facts:—

- (1) That numerous unauthorised buildings come into existence in Calcutta, and such of them as come to the notice of the City Architect survive the strangely half-hearted efforts to check or demolish them. In 1937-38 a Chief Executive Officer in effect described their efforts as a pretence.
- (2) Deviations from sanctioned plan, where plans have been taken out, are common, and except rarely, deviations are condoned, or "escape demolition", i.e., are not reported at all; and if conditional sanctions are issued, the buildings are completed but the conditions are not followed.

- (3) Long delay in issuing sanctions is the rule, and buildings are constructed long before the plans are sanctioned.
- (4) The City Architect admits that his department is not kept informed of the date on which the construction of a building commences, or of the date on which the construction is completed.
- (5) There are columns for these two dates in his register. We found these columns blank. Extracts from this register are sent to the Assessor in order that he might assess the buildings. In these extracts these two columns are always blank.
- (6) The Assessor admits that unauthorised buildings or unauthorised additions or alterations are by no means uncommon and they sometime escape intermediate assessment, and are detected, and assessed only at a General Valuation.
- (7) The City Architect admits that Rules 19 and 20 requiring a party to give notice of the beginning and completion of the building are not enforced.
- (8) Not the Building Inspectors or Encroachment Inspectors, much less the District Building Surveyors whose duty it is to detect and prevent unauthorised buildings or deviations from sanctioned plans, have been ever punished for not doing their duty, except once years ago and that upon an inquiry begun by the Mayor.

13. We would now give some of the facts from which these conclusions have been drawn. We believe, judging from the answers we received to our inquiries, that these conclusions are not disputed, but we propose to give a few concrete instances to show how far the department or the Building Committee could go in shutting their eyes to breaches of the law or in dropping proceedings to punish them or in condoning breaches when such breaches were brought to the notice of the Building Committee. The provisions that exist in the Act, if seriously applied, are stringent enough, though in view of the evil that we have seen it should be considered whether they should not be made more stringent, and whether, when the Corporation will not set the law in motion, other people should be permitted to do so. Under the Act, as it now is, the Corporation, if apprised of an attempted erection of a new building, or of a new addition to, or alteration of, a building without sanction, may stop the progress of the building unlawfully commenced or carried on, with the assistance of the police and may apply to the Municipal Magistrate for demolition (sections 363, 364 and 365). The Magistrate, after hearing the owner and occupier of the building, may direct demolition, provided the proceedings before him had not been instituted more than five years after the work complained of. There is also an alternative procedure under sections 493 and 494 under which a daily fine could be imposed. These are the powers to deal with unauthorised buildings, and one would suppose these are adequate, provided the department has any desire to use them. Demolition or daily fine ought to suffice unless neither is certain.

14. Let us now look at some of the actual concrete cases. The Indian Association for the Cultivation of Science is a well-known Institution situated at 210, Bowbazar Street. On the 18th September 1942 one Mr. P. C. Banerjee, the owner of a neighbouring property, informed the City Architect that the owner of 204, Bowbazar Street, was making some unauthorised additions to his building. On that complaint an officer was sent to enquire, and he found that "a new third storey has been added without sanction, besides several verandahs at the 1st, 2nd and 3rd floor levels." A stop order under section 365 was served, but the construction

went on, and was completed. The department did put up the case, and point out that the additions were only wholly unauthorised but had also infringed some of the building rules. The Building Committee recorded the following resolution:

"The party's representative and the complainant Mr. G. B. Banerjee were heard. The complainant said that if the windows overlooking his premises were closed he would have no objection. Resolved that if the party closes the windows overlooking the complainant's premises in the east, pays the usual sketch fee and wet-work charges within one month, the case will be dropped, otherwise an application will be made to the Magistrate under section 363 of the Act, in terms of the précis."

An application had to be made to the Magistrate, but it was dropped as the payment was made. So the proceedings were dropped. The date of the resolution of the Building Committee was 8th August 1944, i.e., 2 years after the offending building began. The case was decided on the footing that the question whether the building rules should be enforced on public grounds was a question between two private parties. It is perfectly obvious that the department could claim no merit for placing the case before the Building Committee, nor could the Building Inspector or the District Building Surveyor concerned claim any merit for reporting a construction at so conspicuous a spot in Calcutta and except for the complaint of a neighbour the Corporation would have heard nothing about it, and 2 years after the information, the case ended in nothing, because the neighbour was pacified. This is a typical instance of the general malpractice of this kind we have seen in numerous cases, but by what took place on this very site 204, Bowbazar Street, in 1946. In that year the same owner of 204, Bowbazar Street, started constructing a new three-storeyed building, new from foundations, on the western portion of his house right up to the eastern boundary wall of the Indian Association for the Cultivation of Science. That building was commenced without any sanction whatsoever, and it infringed several of the building rules. On the 3rd July 1946 the Association complained against the structure that had begun. On the 20th July, it had to send a reminder. On the 7th September the District Building Surveyor of District No. II informed the Association that action had been taken. The construction had gone on without interruption up to 15th August 1946, and was then interrupted not by any action taken but by riots. Thereafter the Association went on writing, and the owner went on building, and the construction was completed and the house let out to tenants. As early as 7th September 1946 the Association had been informed that "if unauthorised works are not removed, a demolition case under section 360 will be placed before the Building Committee No. II in due course." Nothing, however, was done, the building was completed, and upon an inquiry by our letter No. I/C 315, dated the 2nd July 1948, the present Acting City Architect wrote to say that he had started a case under section 363, but the matter could not be placed before the Building Committee for an order for an application to the Municipal Magistrate. He suggested that he was arranging to place the case before the present Administrative Officer. That is to say, two years after the complaint against the offender he was thinking of obtaining an order for a prosecution. In the meantime the building was completed and let out to tenants. An order was actually passed by the Administrative Officer on 23rd October 1948. If the Building Committee had been existing, the party might well have thought that his second offence would be as easily condoned as his first. The remarkable thing about such cases is that it is as often as not the complaint of neighbours that leads to some appearance of steps to stop construction, but the construction takes place alright and

the case put before the Committee peters out on payment of "wet-charges". Even when an officer of the Building Department sets the law in motion, it ended generally in the same fashion.

15. Let us take another case. 30/1, Beniatola Lane, is a house standing in the name of a lady, Prativa Guha Sarcar, who is the wife of Sishir Kumar Sarcar, an employee in the Building Department of the Corporation. In 1941 was constructed upon it a four-storeyed building without any sanction, and upon our inquiry, the Acting City Architect says that the building was not altogether new, but that there was an old two-storeyed building of which the Corporation had directed demolition, but which the owner subsequently got permission to repair, and that "in reconstructing it", he made it a three-storeyed building. The evidence is that the house is new from foundations, and that it was made in 1941, which last statement is certainly true seeing that the Assessor says that the accommodation is the same as it was in October 1941. Whether the building was entirely new or partly new, makes no difference to the necessity for sanction, but none was taken, and the building constructed is a four-storeyed building in a narrow lane, and the person responsible is an officer of the Building Department who obviously had no fears. We notice that in 1941 the valuation of the house was Rs. 378, but the owner got a $\frac{3}{4}$ " ferrule, and not $\frac{1}{2}$ " to which the valuation entitled him. It is a case in which an officer of the Building Department made an unauthorised construction without sanction, and nobody of course reported it until 1944, when an application was made to the Magistrate which ended in a fine, and thereafter he added a structure to the fourth storey, for which the City Architect was thinking of taking action. It was said, in effect that the offender was not a clerk of the Building Department, but his wife, as the house stood in her name. This disclaimer by the husband is of course a pretence. Did he inform his office that she was breaking the rules, that she was given a larger ferrule than she was entitled to?

16. 15/1F, Bagmari Road, is two-storeyed building containing 14 rooms. Our inquiry about this property was answered by the City Architect after five reminders. His report is that it was a wholly unauthorised building. He does not know when the building was commenced, nor when it was completed, but it had, he says come into existence before 1945. The building was assessed in September 1945 and the valuation then was Rs. 1,944. Sanction for filtered water connection had been granted before, and as the valuation was then not known, the smallest ferrule was sanctioned. The Executive Engineer, Waterworks, writes that in the case of masonry buildings, such connections may be given before assessment, though the Assessor had said that usually to get water connection people had to come to him for assessment so that the building could not long escape assessment. Enquiry shows that licenses for depositing building materials on the road, or for erecting scaffolding on a Corporation land, are granted on payment of the prescribed license fees, and no question asked as to whether the building was authorised. The Executive Engineer, Waterworks, says in his letter, dated the 9th May 1949, that although filtered water connection may be allowed before assessment under the rules, "no unauthorised building receives filtered water connection before assessment. An exception was apparently made in this case." So this large building came into existence without any sort of sanction, was assessed, received water connection, presumably received a license for scaffolding, etc., has been existing from a date before 1945 and is in the occupation of a tenant paying Rs. 200 as rent, but no action of any kind was taken to stop it, or to demolish it, or to penalise it by a fine of a single rupee and even now no action of any kind is contemplated. The reason must be the usual

reason, but there is an additional reason which is that the owner of the house was a Municipal Councillor.

17. Another Municipal Councillor put up a structure at 80/1, Pathuriaghata Street and was allowed to retain it till the end of the War on his giving an undertaking to demolish it after that event. The War came to an end. The building has continued. A case under section 363 was instituted before a Magistrate. It was dismissed as the correct number of the premises had not been given. It is not known whether the mistake was intentional, but all that is happening is that fresh proceedings are being drawn by the office.

18. A few other cases may be mentioned only as illustrations. In 18B, Hiralal Mitter Road, a dangerous wall was constructed in February 1948, and the City Architect took steps in August 1948; there have been considerable additions to 65, Park Street, 11, Wood Street, 115E, Dharamtalla Street, 7, Harrington Street, 21, Ganesh Chandra Avenue. Certain sanctions were issued in connection with these, generally between 1935 to 1939, but the City Architect does not know when these buildings were completed or whether there were deviations. 115E, Dharamtalla Street, at all events, is now a five-storeyed building, but the City Architect had until our inquiry no knowledge as to its progress after it had reached the stage of a steel skeleton up to the second floor level. At 56, 57 and 42, South End Park, a three-storeyed factory, housing machinery and plant, was constructed without sanction and the City Architect informed us after two reminders that a case for demolition had been composed and was being placed before Administrative Officer; a construction on 43/1, Paddapukur Road, was made without sanction and is justified by the City Architect on the ground of a constructive sanction provided by the rule 58, because of the delay in granting the sanction; an unauthorised construction on 132, Musjidbari Street, was commenced in 1943 and is going on or completed, though the City Architect says that his department took all possible steps, and there was a resolution of the Building Committee on 8th March 1945; even after six reminders the City Architect could not inform us whether there was an unauthorised structure on 3A, Dev Lane; on 5A, Salia Lane, an unauthorised structure was detected, and police posted to stop the work; on the party giving an undertaking not to carry out the work without sanction, the police was withdrawn. This sort of thing—the withdrawal] of the police—we have seen in many a case, and the building, of course, is completed after the police is withdrawn. At 19, Meher Ali Mandal Street, a two-storeyed building was completed before a sanction applied for, was granted. The City Architect justifies it by rule 58 of Schedule XVII, and admits that he had received no notice of commencement, or completion, and he adds that such notices, though required by law, under penalties, are not enforced and we have not seen a single case in which such notices were given. The City Architect says that it is the duty of his department to keep an eye on the progress of a new building, but no completion report ever reaches the Assessor. All that is done is to send him a list of sanctions and the Assessor says: "Formal sanctions to building plans are issued not infrequently long after the buildings are completed." We have seen enough to be able to say that either no steps are taken at all to stop illegal building, or some steps are taken and the matter is dropped "for some unaccountable reason" as the Chief Executive Officer pointed out at a Corporation meeting.

19. It is no use multiplying instances of this kind. Whichever case we have enquired into, the usual information we have obtained is that action was being taken. The cases are by no means unusual. They are typical. Building, without sanction, is common enough, as the Assessor in a letter admits to explain omissions

to make intermediate assessment between two General Valuations. Deviations from sanctioned plans are equally common, and in one of his letters the City Architect frankly admits that sanctions are sometimes taken out "to hoodwink the Corporation." Buildings are often constructed before sanctions are issued, and the City Architect justifies it, as though it was a solitary case, by rule 58 of Schedule XVII which provides that if the sanction is not granted, nor refused within 15 days, it shall be deemed to have been sanctioned. We looked into some of the registers and found no case in which sanction has been granted in 15 days. Delays like six months or even one year were pretty common in 1947-48 and even in 1948-49.

At a Corporation meeting one Councillor observed in 1937-38:—

"There is no gainsaying the fact that certain startling disclosures have been made with regard to the inefficiency, inaction, lack of control and supervision, neglect of duty and corruption in the department. They were told how files vanished in the thin air; how responsible officers of the department joined in a conspiracy of silence; how unauthorised construction went undetected; how deviations from sanctioned plans were made with impunity; how encroachment fees remained unrealised with the connivance of officers, and last but not least how the vital interest of the Corporation was given the go-by by the department."

Our investigation confirms the truth of this observation, and we regret to have to record that the state of things has remained the same. Two things prevent the enforcement of building rules. Fraudulent omission on the part of the officers of this department to report unauthorised construction and the other thing is the relaxation of the rules by the Building Committee, and the way they condoned their breaches and prevented prosecution. The Chief Executive Officer had not the power to order prosecution, that power being delegated to the Committee; and neither he nor the City Architect could remove or punish a Building Inspector or any officer for misconduct. So that buildings are often constructed before plans are sanctioned, and such buildings will steer clear of prosecution on the ground of constructive sanction under rule 58, so long as they conform to the Act in other respects. In point of fact they run no risk even if they do break the rules, seeing that demolitions do not, generally speaking, take place.

20. The administration of the Building Department was the subject-matter of a debate at a Corporation meeting held on 16th February 1938. The then Mayor did something which no Executive Officer seems to have done before or since. He walked into the Building Department, and held an inspection, and he made a report which was recorded by the Corporation at the said meeting upon which there was, as we said, a debate. The things he saw in the Building Department he describes as follows:—

"There was no system in arranging files. Large sums due to the Corporation as encroachment fees, had not been realised, and the files in which the demands had been recorded not put up and some of them had vanished. The amounts practically lost to the Corporation, as far as the examination showed, aggregated thousands of rupees. Plans were sometimes returned, apparently for amendment, but they did not come back, and the buildings were completed all right. Conditional sanctions were sometimes issued, i.e., sanctions were granted on condition that certain fees were paid or certain gifts of lands made, but the buildings were constructed without fulfilling the condition. It could not be said that these acts escaped

notice, as work-orders had been issued, and water charges taken, and there were the Building Inspectors, the Encroachment Inspectors and the District Building Surveyors whose duty it was to detect unauthorised buildings, and to watch progress of buildings where sanctions had been issued so that there might be no deviation. Nothing had been done in these cases and even demolition orders actually passed by the Magistrate, were never carried out. Building cases were not put on the agenda, and complete buildings were erected after sanctions had been actually refused."

The Chief Executive Officer made a statement, and he observed that "*modus operandi* of the department seems to be to issue notices for various infringement to carry matters up to a certain stage, and then to forget all about such cases. There must be some reason for such unaccountable forgetfulness and inaction." In short the steps taken were a pretence to increase the price of forbearance. He adds: "However much you may dislike it, it has to be admitted that there are inefficiency and corruption in the Building Department." It appears from the report of the Building Enquiring Committee that certain files were not traceable and that Rs. 77,000 due as encroachment fees had not been realised, though after the inspection, a certain amount of fees was realised.

21. We are unable to say that things have improved since 1937-38. Unauthorised constructions are common. Deviations from plans is common. Long delays have occurred in issuing sanctions, and buildings do take place before sanctions are issued. The City Architect does not know in any case when a building is commenced or when completed. He sends lists of building sanctions to the Assessment Department quarterly, but the columns for the two dates—beginning and completion—are blank. They are not of much use to the Assessor who says that buildings are often completed before the sanctions are received in his department, and constructions between two General Valuations often escape intermediate assessment, though there is a separate section in charge of the Deputy Assessor to deal with such cases. Everything, it seems, depends upon whether the Building Inspectors or Encroachment Inspectors or Assessing Inspectors report the offending structures and we must say that omission to report is more than chance or negligence would account for, and has never been punished.

22. It would be difficult to say that corruption is limited to the Inspectors. They work under the District Building Surveyors who are outdoor officers, get a conveyance allowance, and are supposed to move about and supervise the work of the inspection. It does not appear that this made any difference to the malpractices, or that they even reported any Inspectors for disciplinary action. One of them, Sri Aswini Chowdhury, was found after an investigation by the Chief Executive

Officer and Deputy Executive Officer to have accepted in July 1947 an illegal gratification. The Deputy Executive Officer recorded his findings on 29th September 1947 and this conclusion was confirmed by the Chief Executive Officer on 20th October 1947. The Committee to which the case of Aswini Babu was referred, reduced him to the position of a clerk on Rs. 165. On 22nd March 1948, however, the Committee rescinded its previous resolutions, reinstated Aswini Babu to his former position with back pay at the old rate. The Committee did not rescind its resolution because they found Aswini Babu not guilty, but did so because they thought that the charge should be inquired into by the police. Information was sent to the police on 8th August 1947, nine months after the occurrence. Upon our inquiry the police sent an officer to enquire, and subsequently wrote to say that there was no evidence to sustain the charge. It is of course obvious that a charge of that kind could hardly be proved after such lapse of time, and one wonders whether, when it was sent to the police "for inquiry and report" by the Committee, after rescinding its resolution to impose a punishment, anything else was expected. The officer of course continues to hold his post. We do not say of course that the charge against Chowdhury had been proved, but the finding of the Chief Executive Officer was enough to raise a reasonable suspicion and to justify his removal from his post. The unauthorised building he was supposed to have connived at continues.

23. Leaving aside the inferior officers, the then City Architect, Sri M. M. Maitra, himself was found guilty of an act for which he was dismissed from the Corporation. In February 1945 the Corporation agreed to grant a lease of 14 kottahs of land to one Mr. Ferozuddin. The lease was to be for a term of 40 years, monthly rent Rs. 1,120, selani Rs. 25,000. No lease had been drawn or executed, but possession was delivered, and it transpired that the party had taken possession of 17 kottas. The excess was in the building plan submitted by him, but it was not reported, and subsequently the lessee took possession of a little more. The City Architect not only concealed these encroachments, but actually wrote to the Government for permits for purchasing building materials which the lessee needed, falsely alleging that it was a Corporation project. There was an order to stop work, but it was never enforced. The land concerned was an extremely valuable land being a part taken from the Hogg Market, and it was possible for the lessee to encroach upon nearly 5 kottahs with the connivance of the department. It cost the City Architect his job, and the Corporation more than a lakh of rupees, we suppose.

24. The facts we have indicated in brief are confirmed by certain figures supplied to us by the City Architect. These figures show, district by district, the number of demolition cases put up before the Building Committee and their results during 1938-39 to 1947-48. The position will appear at a glance from the following table:—

Statement of Demolition Cases for the years from 1938-39 to 1947-48.

	Number of demolition cases put up by the department to the Building Committee.	Number of cases referred to the Magistrate by the Building Committee.	Number of cases in which demolition order has been passed.	Number of cases in which fines have been imposed.	Number of cases in which demolition order made by the Municipal Magistrate have been actually carried out.
District I ..	1,425	660	34	142	39
District II ..	920	257	16	64	11
District III ..	933	131	13	32	1
District IV ..	1,412	596	34	97	25
Total ..	4,890	1,644	97	335	76

It will be seen that the department put up 4,690 cases of unauthorised buildings or, may be, deviation from sanctioned plans, during the period 1938-39 to 1947-48. All except 1,644 were condemned, 1,644 were sent to the Magistrate. Out of these, 97 cases led to demolition orders. The demolition was actually carried out in 76 cases. Scrutinized, the figures show that some of the demolition orders have not been carried out, and of course the total number of cases placed before the Committee must be a small proportion of unauthorised construction that took place during the said 8 years. The rest escaped report, and of these reported, only a small proportion got before the Magistrate, and a still smaller proportion was ordered to be demolished. It is not possible to say, looking to what was discovered in 1937-38, that the orders did not remain on paper, and some of them certainly did.

25. As to unauthorised structure, there is little doubt that the reason of their immunity was not merely negligence, or even gross negligence, but of negligence there is ample evidence everywhere. One or two instances will illustrate the method of doing business: On 14th January 1939 the Corporation received a complaint that a certain wall on 46 to 49, Clive Street, Calcutta, was dangerous, as it might fall on the people shopping in an adjacent bazar (45, Clive Street). On the complaint of the Corporation the Magistrate made an order on 21st October 1941 directing the Corporation to reconstruct the dangerous wall at the cost of the owners who were parties to the proceedings. Instead of doing the work at once, the Building Department prepared an estimate on 26th January 1943 for Rs. 6,450. On 23rd July 1945 they revised the estimate and the figure became Rs. 6,942. The party paid up the sum of Rs. 6,942 some time in July 1946. Nothing has been done yet and the explanation is that since the last estimate in 1945, the cost of materials and wages have gone up, so that a further revision of the estimate is necessary. No such revision has been made. In the meantime the wall remains,

and also the peril. It was open to the Corporation to reconstruct and to levy the cost whatever it was. In any case there is no anxiety or hurry to make a fresh estimate to carry out the order of the Magistrate obtained at the instance of the Corporation itself and, presumably at considerable cost. A more monstrous disregard of public duty by public servants it would be difficult to conceive.

This single instance is enough to show how the Corporation looks to the safety of the citizens, and how complete lack of discipline has destroyed all sense of duty.

26. We have already stated how in 1937-38 encroachment fees aggregating something like Rs. 77,000 had been practically remitted by the department through the discovery led to partial recovery.

27. In connection with buildings certain fees are payable to the Corporation. These are known as building fees, encroachment fees, fees for depositing materials, and putting up scaffolding in public streets, charges for measurement and sketch fees in respect of unauthorised constructions, fees for water-supply for construction of buildings. The scale of fees had been fixed by certain resolutions of the Corporation except the scale of fees payable by licensed Building Surveyors which last was recommended by the Finance Committee on the 9th March 1948, and the Committee recommended also on that date a revision of the scale of sanction or encroachment fees, and the aforesaid fees in respect of unauthorised construction till then in vogue. The Administrative Officer by his order, dated the 27th April 1948, accepted the revised scale with certain modifications. It is the encroachment fees particularly in which there is a temptation practically to remit by not putting up the relevant records. The Building Department calculates the fees payable, and it should be easy to do the calculation according to the prescribed scales. Recently certain figures calculated as demands were after audit found to have been short levied thus:

**Chief Accountant's letter, dated the 26th January 1949, in answer to our I/C 1385,
dated 10th January 1949.**

Premises Nos.	Realisation by the Building Department before audit.			Additional realisation after audit by the Accounts Department.			Brief particulars.
	Rs.	a.	p.	Rs.	a.	p.	
1. 140A, B, C, Cornwallis Street ..	5,344	6	0	3,696	4	0	Lower rate charged instead of higher one.
2. Plot 34, Scheme VII H, C. I. T. ..	3,778	10	0	1,040	15	3	Lower rate charged instead of higher one as well as omission to charge certain portions.
3. 19, Jadulal Mullick Lane ..	1,173	9	0	546	12	0	Lower dimension charged instead of higher one.
4. Plot 34, Scheme XXXVIII, C. I. T. ..	3,579	10	6	197	8	0	Omission to include some footing in course of encroachment.
Grand Total ..	13,876	3	6	5,481	7	3	

28. This might conceivably be due to negligence, or to ignorance, but fraud, in one of the cases at all events seems to have been the cause. The Commission were informed of a practice under which sanctioned plans are not issued at all until the fees calculated by the Building Department are pre-audited. We thought that this was a source of needless delay, as the party had to wait long for the sanction, though he had paid the demand, particularly as there was power to levy the excess if subsequent audit disclosed any deficiency. We should consider this to be the right thing to do, but not so long as the possibility of deliberate miscalculation to reduce the demand continues.

29. We record that the Building Department is the worst managed department of the Corporation with opportunities for making money at every step, and resistance to the temptation could not have produced the malpractices we pointed out. In short, there has been no real control over the building operations in Calcutta, and unscrupulous people built without sanction, or deviated from sanctions or took out sanctions "to hoodwink the Corporation" in the words of the City Architect, and Inspectors of all kinds were moving about and drawing conveyance allowances, but kept their eyes shut, or when matters could not be concealed made an appearance of taking steps upto a certain point, and then dropped the matter altogether.

The consequence is that the Corporation has been losing its just dues, and the city its sanitation and ventilation, and drainage, and neighbours to whom the offending buildings are little short of a nuisance have learnt to suffer the evil without complaint. Resignation to malpractices of public servants is a common phenomenon under the foreign rule and few could distinguish it from local government from which that rule was kept out by the Calcutta Municipal Act.

30. The one remedy for the present state of things is not to change the building rules but to enforce them. A strong man in charge who will have the power to punish or remove officers of the Building Department for inefficiency or corruption would be the only remedy. The man in charge must be held fully responsible for breaches of the law regulating building in Calcutta, and he cannot be held responsible unless he has powers commensurate with his responsibility. A single unauthorised building in Calcutta ought to cost somebody his job, and a dozen should be conclusive proof of inefficiency of the City Architect. In another chapter we have stated our view that administration to be efficient must be committed to a single man who will be judged by the results, and not by his efforts. Such a Chief Executive Officer should delegate necessary powers to the City Architect, and should be himself held responsible, if the City Architect fails to manage his department. A good Architect may not be a good administrator, but in the Corporation there ought to be one who is not only an Architect, but who is determined to regulate buildings in Calcutta in accordance with the rules. We, therefore, suggest that an Architect efficient in this sense should be placed in charge of the Department. One of his first duty would be to inspect his whole office, and remove all inefficient or corrupt officers even though that may mean a complete overhaul of the office. If, as we expect, this will be difficult for the present City Architect to do; a Special Officer should be appointed to clear the office of all such persons, so that he might start with a reasonably efficient and honest staff.

31. This should be the really effective means to improve the administration. We cannot say that there is anything in the rules that requires change, except that the penal provisions should be more stringent. So far as the rules regulating the Buildings in Calcutta, it is impossible to say that they are very hard to obey. The rules that have generally been broken are, as we said, the rules intended to secure ventilation and sanitation: that more than two-thirds of a site should not be built upon, that space should be left on the back, and on the sides, and a tall building should not be erected on a narrow lane. Nobody should object to these rules, unless one claims the liberty to live in a great city and to build as he likes. The Institution of Engineers of Calcutta has suggested some amendments of the technical rules. These will be found in Appendix XVIII. They might be of help if the Corporation with the sanction of the Government, propose to amend some of the building rules as they have the power to do. All that we need notice in this connection is two of their proposals. One of them is that there should be a tribunal for hearing appeals from the decision of the City Architect or whoever will grant or refuse building sanctions. Another proposal is that there should be a Building Rules Revising Authority with power to revise these rules every nine years. The last does not seem to us absolutely necessary so long as it is open to Corporation to recommend amendment of the building rules for legislation. As to the tribunal to hear building appeals, the matter should be carefully considered. If our recommendations to secure the correct relation between the Corporation and the Chief Executive Officer are accepted, there will be no appeal to a Committee of the Corporation as now, and if an appeal to the Chief

Executive Officer, is given by legislation, there should be a further appeal to a tribunal of the kind suggested composed of five members, one of whom should be a Lawyer, another an Engineer, and a third a Doctor. These may be appointed by the Corporation or by the local government.

32. So far we have been examining the administration of the Building Department to ascertain how far it has carried out its obligatory duties which are to carry out the building rules we have discussed. Apart from such duties the Corporation has powers to make certain improvements and these powers occur in section 468 of the Calcutta Municipal Act. The section is as follows:—

- “The Corporation may acquire any land and buildings, whether situated in Calcutta, or not,
- (i) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta; or
- (ii) for the purpose of erecting sanitary dwellings for the working and poorer classes.

The power conferred by this section has obvious limits. The Corporation can open out a congested or unhealthy area, or otherwise improve any portion of Calcutta, and it may erect sanitary dwellings for the working and poorer classes. It can do so provided the scheme is approved by the Provincial Government, and provided, of course, it finds the money necessary for land acquisition. It is, therefore, open to the Corporation on these conditions to improve the Bustees or any other part of Calcutta, but there is no power to carry out any city planning, as ordinarily understood. Calcutta, like most towns, has grown and was not made according to plan, like New Delhi in India, or Washington in America. It is impossible to introduce any zonal system within the limits of Calcutta, allotting separate areas to factories, warehouses, mercantile offices, and residential quarters. That would seem to be out of the question, but such city planning ought to be borne in mind if Calcutta extend into the suburbs, and what is called a Greater Calcutta comes into existence. Satellite towns would admit of such planning, and care would certainly be taken that each of them does not grow into a town like Howrah. We have dealt with this subject in the Chapter on “Greater Calcutta” and all that is necessary for us to say is that what scope for improvement exists under the present Act has not been taken advantage of, so that Bustees continue to exist with little improvement so far. We shall deal with this subject in another Chapter on Bustees, and we shall consider there how the provisions contained in Chapter XXII of the Act for improvement of Bustees have worked, or made any impression on the 4,371 Bustees in Calcutta inhabited by some 10 lakhs of people or more.

CHAPTER V.

Collection Department.

1. The Collection Department is in charge of the Collector. He is not a statutory officer, and his duty has been thus defined in the old Assessment and Collection Manual published in 1917:—

“The duty of the Collector is to receive consolidated rate bills from the Assessor, and miscellaneous bills from the other departments, to present them to the parties liable, and collect the amount due and if necessary to enforce payment by distress or other coercive processes under the Act.” (Paragraph 19 of the Assessment and Collection Manual, 1917.)

2. This remains the duty of the Collector after the Act of 1923 and, curiously speaking, the old Manual of 1917 framed when the Act of 1899 was in force continues to be the office Manual regulating the procedure of this department so far as it is not inconsistent with the present Act.

3. A brief history of the office may be of interest. Under a statute of 1793 the "Collector of Assessment" was appointed by the Justices in Session, but an indication of the way in which his office was performed is that in 1829-30 the total demand for house-tax was Rs. 3,90,320 and the amount collected was Rs. 2,43,220 and at the close of this year the arrear outstanding was Rs. 2,95,114. The attention of the Government being drawn to this state of things, the duty of collecting the assessment was assigned to the Superintendent of Police for Calcutta, but the collection continued to be unsatisfactory. In 1866 the Collector was allowed a whole quarter to collect the bills for the previous quarter and the outstanding bills at the end of the quarter were handed over to a new and separate department, called the Warrant Department, for realisation by coercive process. In 1876 two salaried Collectors were appointed in place of one who had been paid by commission and was given an establishment of bailiffs paid directly by Municipality. This is very much like the present system except that there is now a single Collector. But in 1878 it was decided to revert to the former system of paying the Collector a commission and to entertain such staff as the Chairman should approve. The Collector was required to realise house, lighting, water and police rates, night-soil fees, process fees, and other miscellaneous fees. Bills for rates and night-soil fees were prepared in the newly created Bill Department in the quarter next before that in which the rates become due, and after being attested by the Assessor were made over to the Collector who was allowed the whole of the ensuing quarter and seven days thereafter for realising the bills. On the seventh day, the bills were sent to the Warrant Department except such as required inquiry by the Vice-Chairman and the Assessor.

4. The house-rate was not yet made payable at the beginning of the quarter, and the water, police and light rates were collected on one bill from tenants. Owing to changes in tenancy a great many bills had to be returned to the Assessor for correction, and a large proportion of these had to be finally cancelled. In 1881 on the suggestion of Dr. Rajendra Lala Mitra, a Commissioner, the system of counterfoil bill-book was first introduced. In the same year the Assessor was placed in charge of a small collecting staff to realise the old arrears of the Warrant Department. This Arrear Branch was abolished in 1897, and in 1902 was abolished the Warrant Department to which the bills which the Collector could not collect used to be sent for realisation by coercive process. The Snit Department which consisted of a Superintendent and a small staff was at first placed under the Collector, but on creation of the Law Department in 1905 it was made subordinate to the Solicitor.

5. Subsequently the whole department was reorganised and the system that came in existence is substantially the same as now in vogue. One small fact may be mentioned. Bonuses are granted by the Corporation to the staff on all collections above 95 per cent. on the gross current demand in the hands of the Collector including remission for vacancies as follows:—

To the Collector—Rs. 100 per mensem for every one per cent.

To the Inspector—Rs. 60 per mensem for every one per cent.

To the Bailiff—Rs. 5 per mensem for every one per cent.

The bonus system was introduced in 1901.

Collection Department.

Section II.

6. For purposes of collection there are 16 administrative divisions, viz.—

I	..	Wards 1 and 2
II	..	.. 3 and 4
III	..	.. 5 and 6
IV	..	.. 7 and 8
V	..	.. 9 and 11
VI	..	.. 10, 12 and 13
VII	..	.. 14 to 17
VIII	..	.. 18 to 20
IX	..	.. 21
X	..	.. 22 and 23
XI	..	.. 24 to 26
XII	..	.. 27
XIII	..	.. 28 and 29
XIV	..	.. 30 to 32
XV	..	(Huzuri) Deals with bills payable by persons owing more than one premises.
XVI	..	(Miscellaneous, i. e., bills other than rate bills).

7. Actual collection is done by 193 bailiffs distributed among the divisions. Their work is supposed to be supervised by 21 Inspectors. There are 16 Head Clerks, each in charge of a division, 84 clerks distributed among the divisions, and a Cashier to receive payments tendered to the Collector, and to deposit the same into the Corporation Treasury. The entire establishment is under the Collector who is assisted by 2 Assistant Collectors. The work of the department is subject to the control and supervision of one of the Deputy Executive Officers who exercises similar supervision over the Assessment Department also. The organisation of the department will appear in Appendix XIX.

8. The procedure, generally speaking, is this: The consolidated rate is payable quarterly by the owners and the occupier of every premises in equal shares. The rate for a quarter is payable on or before the 15th day of the first month of that quarter. There is a provision for vacancy remission in sections 151 and 152 so far as the owner is concerned.

9. It will be obvious that the relation between the Assessment and the Collection Department is very close. They have to act together. One makes the demand and the other collects it. A portion of the collection, however, is done by the Law Department, and under the rules the Collector, with the approval of Deputy Executive Officer, transfers to the Law Department such rate-bills as he cannot collect by the coercive processes open to him. The miscellaneous dues come from other departments to the Collector for realisation, such as bills for supply of water for non-domestic purposes, for repairing water fittings, for excess consumption of filtered water, for supply of water to shipping, for rents payable by municipal tenants and so forth. In these cases also such bills as the Collector cannot realise are sent to the Law Department. In short, the Collector collects rate-bills and miscellaneous bills, and the Law Department collects such of these bills as the Collector cannot realise by sending out bailiffs to collect them, or by distraint when bills are not paid on presentation, despite the service of a notice of demand.

10. It is a most important duty of the Assessor to prepare the rate-bills, and send them to the Collector during the quarter next before the quarter to which the bills relate. The preparation of bills is tremendous work, nearly as many as two lakhs of bills have to be correctly prepared, and checked and delivered to the Collector during the course of the preceding quarter.

11. There are elaborate rules in the Manual to regulate the work of the Bill Section of the Assessment Department specifying the sequence of, and time-limits for, the steps constituting the whole procedure; when the preparation of bills should begin, how many bills and register items should be done by each clerk, when delivery to the Collector should begin, and when it should be completed. The bills are prepared street by street, and entered in demand registers, and there are special provisions for Huzuri bills, and for "fresh" and "supplementary" bills that have to be made out. After the bills are prepared, and the delivery to the Collector, which is progressive, is completed—it has to be completed up to the end of the quarter next before the quarter to which the demand relates—the Assessor reports the total demand to the Collector, and the Collector reports the total to the Chief Accountant. The regulations are intended to ensure a complete account of the demand sent to the Collector including (1) the portion transferred by the Collector to the Law Department, and (2) the portion sent back to the Assessor for remission or correction. The demands that are sent to the Law Department for realisation go out of the Collector's account altogether, and remain on the books of the Accountant, and realisations by the Law Department are noted in the Chief Accountant's books so that, at a given moment, the total amount of unrealised rate bills and of miscellaneous bills ought to appear in the Accountant's books and can be furnished by him alone. He does the "stock-taking".

12. Under the Calcutta Municipal Act, the Collector collects the bills in the following manner:—

The bailiffs present the rate bills to the rate-payers for payment by the 7th day of second month of a quarter. If the bills are not paid, the bailiffs would write out a notice of demand seven days after presentation. These notices must be served by the 8th day of the 3rd month. If the default continues, the bailiffs write out warrants which must be issued by the 15th of the 3rd month. The warrants are executed by distress and sale of moveable property belonging to defaulters, and if they be occupiers, by distress and sale of any moveable property found on the premises. If the sum due from the owner remains unpaid after the notice of demand, the Corporation may cause a notice of the demand to be served on the occupier, and if he does not pay the demand within 15 days, it may be recovered from him by distress and sale, provided the demand was not in arrear for more than one year, nor due on account of any period during which such occupier or sub-tenant was not in occupation. There is power in the Corporation to send a warrant for execution to a Magistrate outside Calcutta, if the property to be seized is within his jurisdiction. Lastly, there is the right to sue for the arrears, and the rate due is a first charge upon the premises and on moveable property found there, and belonging to the defaulter, subject to the prior claim of land revenue, if any.

13. We have set forth the summary remedy in some detail in order to show that a suit should not ordinarily be necessary, and should under the rules and in any case be the last resort. Rate bills sent to the Law Department remain unrealised for years. It gives time to defaulters and involves the Corporation in loss of time and money in litigation. On the 31st March 1947, the total amount of unrealised rate bills in the Law Department was Rs. 26,54,028-1-8, out of which Rs. 2,27,321-1-10 was in unrealised decrees, Rs. 7,74,700-12-1 was in pending suits, and the remainder Rs. 16,52,006-3-9 had not even been sued for. This last figure must be made up of innumerable small demands, and will require innumerable charge suits to which every necessary party will have to be impleaded after

local inquiry, and search in the Sub-Registry, as those on the Assessment Register are not up to date. The Chief Law Officer himself points out these difficulties. At the end of 1947-48 the total amount of unrealised rate bills in the Law Department was Rs. 25,47,072 plus Rs. 238-5-6 which that department had sent to the Assessor.

14. We should consider it a serious matter if the Collector sends such enormous demands to the Law Department without sufficient cause, and in breach of the rules and we shall go into it a little more fully below.

15. Mr. Goode in his book on "Municipal Calcutta" (1916) describes the Collection Department as the best managed department. It is clear that it has been deteriorating, and has deteriorated more than the following figures for percentage of collection indicate:—

1916-17	...	96.9	1932-33	...	88.2
1917-18	...	99.1	1933-34	...	88.4
1918-19	...	99.1	1934-35	...	87.4
1919-20	...	99.2	1935-36	...	89.4
1920-21	...	99.0	1936-37	...	90.9
1921-22	...	98.5	1937-38	...	89.6
1922-23	...	98.2	1938-39	...	88.3
1923-24	...	97.7	1939-40	...	90.0
1924-25	...	97.0	1940-41	...	92.9
1925-26	...	96.9	1941-42	...	87.4
1926-27	...	96.6	1942-43	...	94.5
1927-28	...	96.5	1943-44	...	86.94
1928-29	...	96.5	1944-45	...	89.24
1929-30	...	96.3	1945-46	...	90.94
1930-31	...	95.4	1946-47	...	82.80
1931-32	...	92.6	1947-48	...	81.60

The percentage figures for 1943-44 to 1947-48 were furnished by the present Collector. It appeared from a report of the Chief Accountant that the figures for demand and collection for these years were as follows:—

Total demand. Total collection.

Year.	Rs.	a.	p.	Rs.	a.	p.	
1945-46	..	2,41,35,775	8	0	2,10,24,303	9	3
1946-47	..	2,49,25,789	6	0	1,97,63,849	6	3
1947-48	..	2,89,39,938	11	9	2,22,11,184	3	9

That means the percentage of collection in 1945-46 was 87.12, for 1946-47 79.29 and for 1947-48 76.74.

The following will show the arrears:—

Statement showing the total outstanding figures (Rate) arrear and current as on 31st March 1948.

GROUP "A"		Collector's account							
		Rs.	a.	p.					
In the hands of the Collector	..	39,51,822	11	9					
In the hands of the Assessor	..	27,76,931	12	3					
Total	..	67,28,751	8	0					
GROUP "B"		Collector's account							
Arrear.	Current.	Total.							
Rs.	a.	p.	Rs.	a.	p.				
In the hands of the Collector.	11,33,342	14	9	28,18,479	13	0	39,51,822	11	9
In the hands of the Assessor.	16,50,078	5	9	11,26,853	6	6	27,76,931	12	3
Law Officer's account.									
In the hands of the Law Officer.	24,54,720	13	8	92,351	2	6	25,47,072	0	2
In the hands of the Assessor.	238	5	6	238	5	6		
	52,38,380	7	8	40,37,684	6	0	92,76,064	13	8

Add to these the following figures for unrealised arrears on miscellaneous bills:—

In the hands of the Collector—Rs. 7,99,522-8-9.
In the hands of the Law Officer—Rs. 69,369-2-4.

16. It thus appears that Rs. 92,76,064-18-8 in consolidated rates and Rs. 8,68,891-11-1 of miscellaneous demands remained unrealised at the

end of the year 1947-48, i.e., Rs. 1,01,44,956-8-9 in all. That reflects credit on nobody. The following figures will show how far back the arrears go:—

Net outstanding demand—Collector's Account.

Net demand outstanding on—	For demands relating to the period up to 3rd quarter of 1936-37.	For demands relating to the period from 4th quarter of 1936-37 to the end of the year preceding that shown in column 4.	For demands relating to the current year, i.e., the year ended on the date shown in column 1.	Grand total, i.e., totals of columns 2, 3 and 4.
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
31-3-46	3,47,614 15 9	12,07,707 1 0	15,51,149 14 3	31,06,471 14 9
31-3-47	3,44,725 1 3	14,51,975 4 6	33,65,239 10 0	51,61,939 15 9
31-3-48	3,41,327 4 9	24,42,093 15 9	39,45,333 3 6	67,28,754 8 0

Net outstanding demand—Law Officer's Account.

Net demand outstanding on—	For demands relating to the period up to 3rd quarter of 1936-37.	For demands relating to the period from 4th quarter of 1936-37 up to the year ended on the date shown in column 1.	Total (i.e.), totals of columns 2 and 3.
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
31-3-46	5,37,316 15 4	22,64,164 10 1	28,01,481 9 5
31-3-47	4,38,716 11 2	22,15,311 6 6	26,54,028 1 8
31-3-48	3,75,629 12 2	21,71,680 9 6	25,47,310 5 8

Bills barred by limitation at the end of—

1945-46—Rs. 27,000 (over).

1946-47—Rs. 24,000 (over).

1947-48—Rs. 50,000 (over).

17. All the rate bills for a year are sent to the Collector and these are sent, as we said, quarter by quarter, at or before the beginning of the quarter to which they relate. The total current demand for a particular year is reported to the Chief Accountant, and also all realisations, and an annual stock-taking takes place in the office of the Chief Accountant who knows the total current demand and the total collection out of the total current demand. Out of the demand in his hands, current or arrear, the Collector sends a portion to the Law Department, and he does so with the approval of the Deputy Executive Officer II on the ground that it cannot be recovered by distraint. He sends also a portion of the bills to the Assessor for amendment or for vacancy remission. A fairly good part of it is returned by the Assessor to the Collector without amendment, a portion returned after amendment, and the rest remains in his hands unrealised; that will explain the above figures; 27 odd lakhs in the hands of the Assessor, and 25 odd lakhs in the Law Department. To send a demand to the Law Department is, as we said before, a serious matter. Its recovery is indefinitely postponed, and sometimes takes years, and gives no end of trouble, as the Law Officer often institutes "charge suits" which are of the nature of mortgage suits, and to which every person interested in the equity of redemption must be made a party. That requires local inquiry, and search in the registration offices to collect the necessary parties, as the Assessment Register is never up to date. We came across a case in which the Law Department took 16 years to recover a decree for Rs. 1,771 from very substantial people. To send a demand to the Law Department instead of realising it by distress is doing a good turn to the defaulters, if it is so sent without sufficient cause.

18. We shall examine below whether there was any good cause for sending such heavy demands to the Law Department, despite the summary

remedy, and why demands that needed no amendment were sent back to the Assessor at all, and if no satisfactory explanation can be found the Collector will alone be responsible for the amounts in arrears including those in the Law Department, but not including those accumulating in the Assessment Department as shown above. The following figures will show the portion of the current demand which the Collector sent back to the Assessor, the portion returned by the Assessor without amendment, and the portion that accumulated in the Assessor's hands at the end of each of the years:—

Year.	Returned to Assessor by Collector.	Returned by the Assessor without amendment.	Amount outstanding with the Assessor at the end of the year.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1947-48	19,13,300 5 3	2,13,982 9 9	19,97,200 12 3
1948-49	25,16,727 5 6	80,356 10 0	27,77,170 1 9

In a subsequent letter, the Assessor adds that at the end of 1948-49 the figure Rs. 27,77,170-1 odd had increased to Rs. 35,00,070-10-6, but this included, he says, large disputed items (Assessor's letter, dated 25th May 1949).

19. At the date 31st March 1947, the total amount of unrealised rate bills in the Law Department was, as we said, Rs. 26,54,028-1-8 and of miscellaneous bills Rs. 83,892-4-10. At the end of the year 1947-48, Rs. 25,47,310-5-8 was in the Law Department including Rs. 238-5-6 which the Law Officer sent back to the Assessor. The above figure includes Rs. 1,82,507 sent to the Law Department in 1947-48 alone, and this includes Rs. 93,539 of the current demand for 1947-48, which is odd seeing that the Collector did not wait even a year before sending it to the Law Department, but possibly a rule of law explains it that all claim up to date should be joined. As to the amount sent back to the Assessor, there is really no explanation as to the portion received back by the Collector without amendment. It certainly looks as if he wanted to clear his hands of a part of the demand, and whatever doubt might exist as to the reason of sending bills to

the Assessor, we could discover none for sending such enormous demands to the Law Department.

The explanation given by the Collector is—

"The circumstances under which bills are transferred to the Law Department for suits are due to failure of coercive powers vested in this department and are chiefly as follows:—

- (1) Premises where there are no goods worth seizure.
- (2) Premises where defaulters' goods cannot be identified for seizure.
- (3) Premises in charge of qualified owners, such as receivers, trustees, etc.
- (4) Premises occupied for business purposes where only customers' goods are found.
- (5) Premises where the smallest unit of goods worth seizure is disproportionate to the amount of our claim."

The explanation does not bear examination. In fact it could not have been seriously given. It is enough to look at the names of some of the defaulters to disprove the difficulties alleged. Of the rate bills not collected, there are many due from people who own more than one house in Calcutta and who are all very substantial people. We have seen also some of the names on the lists sent to the Law Department in 1947-48 aggregating in their demand Rs. 1,82,507. In none of them there was poverty or any other difficulty in the way. In many cases, the unrealised demands were in arrear for years, nearly 12 years in some cases. Demand exceeding Rs. 1,000 is common, and in one case the demand in arrear is Rs. 11,000. All this applies to the demand sent to the Law Department in 1947-48, and this demand included, as we said, a large portion of the current demand showing that the Collector did not wait even a year to recover it by the summary process. The aforesaid provisions of law however required transfer of the current demand also.

20. A trustee or receiver should present no difficulty at all under the Act, looking to the definition of "owner" in section 3(50) of the Calcutta Municipal Act, and it is possible by merely serving a notice to make a receiver personally liable for the rates (section 519 of the Act). The Collector says that the coercive processes failed; but he issued few coercive processes. Upon an inquiry into the number of cases in which distress warrants were issued during the last 3 years, he says that the number was "a good number", but figures are not available. Later, he gave some figures for warrants actually executed. There is little doubt these are the figures for warrants actually issued, and we picked up from the Sale Register the cases in which goods were put up to sale. These are—

Year.	No. of cases in which warrants were executed.	No. of cases in which goods were put up for sale.
1942-43	147	21
1943-44	102	15
1944-45	66	7
1945-46	..	4
1946-47	..	3
1947-48	..	3

After supersession of the Corporation in March 1948—

1948-49 (1st 2 quarters)	957	733
--------------------------	-----	-----

It seems fairly clear that since 1942-43 arrears were increasing, and warrants decreasing until in 1947-48 the number fell to 3, though the arrears mounted up to Rs. 89,51,822, not including what the Collector had got rid of by transfer. There must be some reason for this forbearance, but after the supersession of the Corporation in March

1948 the figure for warrants jumped to 957 in the first two quarters of 1948-49 and the amount realised rose to Rs. 1,18,45,995-9. The following are the figures for collection for the first two quarters of 1945-46 to 1948-49:—

First two quarters of—

- 1945-46—Rs. 97,41,557-11-8.
- 1946-47—Rs. 82,09,102-10.
- 1947-48—Rs. 85,48,638.
- 1948-49—Rs. 1,18,45,995.

The Collector does not say that he had to stay his hand to avoid unpopularity or to avoid offending the Councillors by levying distress. There must be some reason why he stayed his hand, or why the arrears accumulated to the extent they have done, and why so much of the demand has to be sent to the Law Department for suit. Looking to some of the names of the heavy defaulters, one would think that all that was necessary to obtain payment was to present the bills, and we have no doubt whatever that to these people bills were not presented at all, that the bailiffs went where they chose, without the slightest control of the Collecting Inspectors. The diaries of some of these Inspectors were called for but not presented. And then when the arrears accumulated and got out of hand, they were dumped into the Law Department so that something like 26 lakhs of rupees has accumulated there.

This undoubtedly is a part of the true explanation, but there is another part which there is little doubt created a desire to reduce the demand in the Collector's hands. The clue to that is the transfer of a portion of the current demand to the Assessor, and a portion also of the current demand to the Law Officer. Every year the percentage of collection is computed and is rightly taken as a measure of efficiency, and this percentage would increase if it is calculated not on the gross current demand, but what remains in Collector's hands after deducting the portions sent to the Assessor or the Chief Law Officer. The Collector furnished to us figures showing the percentage of collection for 1942-43 to 1947-48 as follows:—

1942-43	..	84.05
1943-44	..	86.94
1944-45	..	89.24
1945-46	..	90.94
1946-47	..	82.80
1947-48	..	81.60

We made the following enquiry of the Collector:—

- (1) Whether the figures are for the demands for the consolidated rates or for all demands sent to you for collection, such as miscellaneous dues?
- (2) Whether the percentages are those of the current demand?
- (3) Whether the percentages are the percentages of the demands that remained in your hands after deducting the portion of the demands sent back to the Assessor and other departments for amendments, or of the whole demands?"

The answers of the Collector is contained in his (letter dated 1st August 1949):—

- (1) All the percentages of collection stated relate to consolidated rates only.
- (2) Yes.
- (3) The percentages of collection have been worked out on the gross current demand without any deduction.

The percentage shown in the year 1946-47 should be read as 82.80 and not 82.84 per cent. The mistake is regretted."

The Chief Accountant, however, says in his report, dated 18th May 1949, that in calculating the percentage of collection he deducts from the gross current demand (a) the total amount of the bills returned to the Assessor by the Collector for correction, remission, or other reason and (b) the portion of the current gross demand, if any, sent to the Law Department. Such deductions would certainly increase the percentage, and the Collector as well as the Chief Accountant did make such deductions, and arrive at a percentage entitling the Collector to a bonus on the collections of 1945-46.

Paragraph 28 of the Assessment Manual provides for bonuses to the Collector, Inspector and to the bailiffs "on all collections above 95 per cent. on the gross current demand in the hands of the Collector including remissions for vacancy". The percentage of collection supplied by the Collector himself for the year 1945-46 is 90.94. On this percentage, he and his staff, as aforesaid, were not entitled to any bonus under paragraph 28. On the 28th March 1947, however, the Corporation passed resolution No. 1209 of that date sanctioning extra remuneration "to the Collector and his staff in addition to their pay for realisation of the bills for the year 1945-46 exceeding the specified minimum of 91.5 per cent." Then the resolution lays down a certain scale where the collection exceeds 91.5 per cent. but does not exceed 92 per cent. and a scale when it exceeds 92 per cent. but does not exceed 93 per cent. and yet another scale where it exceeds 93 per cent. Under the resolution, the conditions being fulfilled, "the extra remuneration" will be payable to the Collector, Assistant Collectors, Inspectors and Sub-Inspectors and bailiffs. The resolution avoids the word "bonus" which requires 95 per cent.

This resolution was passed three days before the supersession, and it is noticeable that there are or were no Sub-Inspectors in the department to participate in the extra remuneration sanctioned. It appears that this resolution was passed upon a representations of the Collector, dated 17th December 1946, stating that although there was no rule or resolution going to the year 1945-46, the resolution going to 1940-41 should be given effect to for the year 1945-46 as well, as his collections for that year were 93.63 per cent. The Chief Accountant made a report supporting the percentage, and in accordance with the resolution, subsequently passed as aforesaid, Rs. 30,562.2 was drawn by the Collector in two instalments, in 1946-47 and 1947-48, respectively. The Collector in his report before the Finance Committee showed how the percentage 93.63 was reached and the Chief Accountant in his letter No. A/C 1057, dated 22nd August 1949, confirmed it. The account is this:—

	Rs.
Preliminary demand	2,13,96,107
Deduct demand cancelled for issue of fresh bills, etc. (other than vacancy)	1,81,012
Total	<u>2,12,15,095</u>
 Add fresh supplementary bills received during 1945-46	1,87,472
 Gross current demand	2,14,02,567
Pending with Assessor	6,14,105
Total	<u>2,07,88,462</u>
 Demand on which extra remuneration is to be calculated	2,07,88,462
Current collection	1,94,63,830
Percentage	93.63 or, say, 93.6

The Collector himself has reported on 8th June 1948 and also subsequently, that the percentage for 1945-46 was 90.94. That was no mistake as his figures for demand and collection in 1945-46 are—

	Demand.	Collection.
	Rs.	Rs.
1945-46	2,14,02,567	1,94,63,830
That means 90.94 per cent.		
The Chief Accountant's figures are—		
	Rs. a. p.	Rs. a. p.
1945-46	2,41,35,775	8 0 2,10,29,303
		9 3

which means 87.12 per cent.

It seems fairly obvious that he had not earned Rs. 30,562.3 as bonus on the collection for 1945-46, and he got his percentage of 93.6 by deducting from the above total demand Rs. 6,14,905 as "pending with the Assessor", without stating whether this figure was a part of the current demand. We notice also that in that year the Collector received from the Assessor supplementary and fresh bills amounting to Rs. 5,99,832.4.9, but he added to the demand Rs. 2,07,88,460. Thus reducing the figure for demand he augmented the percentage to 93.63 to be able to draw the bonus as he did. It is clear that anybody with an eye to the bonus or extra remuneration or to a percentage as a mark of efficiency will try to reduce the gross current demand that has come to the Collector, and there would be a temptation to achieve this object by transferring a portion of the current demand to the Assessor and a portion to the Law Department. In 1947-48 the Collector transferred Rs. 93,539 out of the current demand to the Law Department and another large sum of the arrears in his hands. The transfer of a portion of the current demand, without any attempt to realise it by the summary process, is a clue to the intention. As already pointed out, he had in his hand at the date 31st March 1947, enormous sums being arrears for a period going back to the 3rd quarter 1936-37, and another large figure due from the 4th quarter of the same year.

We are satisfied that the arrears accumulate because the bailiffs go where they choose, and do not present the bills to all the ratepayers, and there is really no supervision over them by the Collecting Inspectors. On no other ground it is possible to explain, looking to the names of most of the defaulters, how default could occur. Another reason is the omission to use the summary powers by issuing distress warrants. The third reason is the transfer of a portion of the demand to the Assessor, and to the Law Department to reduce the current demand and to raise the percentage. Lastly, as because of these causes arrears accumulate, they get out of hand so that nearly a crore of rupees is unrealised at the end of 1948 and the Law Officer should despair of putting into suit the amount in his hands, and much more of realising the same by the tardy process of Courts.

There is a rule that the Collector should not send any demand to the Law Department without the sanction of the Deputy Executive Officer. The rule contemplates that the Deputy Executive Officer would examine each case, and decide whether it is a fit case to be sent to Court. We enquired of the Deputy Executive Officer whether bills are sent to the Law Department with his approval. He says his approval is always taken. That must be an idle formality for it is not possible for him to look into the innumerable small bills which are sent, for instance, in 1947-48. Nearly 2 lakhs of rupees was sent to the Law Department, and some of the defaulters on the list are people who would pay if only somebody would go to them to collect and present the bills.

We conclude that the Collection Department has lost its reputation for efficiency. The figures for percentage show progressive deterioration. In 1917-18 it was 99.1; up to 1931-32 it remained above 92, then it began to fall, not reaching 90 except in 1936-37 and 1939-40, and 1940-41, in which years the percentages were 90.9, 90.0 and 92.0 respectively. It is to be hoped that the percentages in these three years were not exaggerated as those from 1943-44 to 1947-48. In these years the percentages were 83.61, 87.12, 79.29 and 76.74, *vide* above. And the single fact which is enough to show the inefficiency of the Collector is that the arrears had mounted up to more than a crore of rupees at the end of 1947-48 and a good deal of it must be or is about to be barred by limitation. On the date 31st March 1948, 3.41 lakhs had accrued due for a period ending with the third quarter of 1936-37 and 21.42 lakhs had accrued due in or before the fourth quarter of 1936-37. The corresponding figures in the Law Department are 3.75 and 21.75 lakhs respectively. A good part, if not most of the figures, due up to the third quarter of 1936-37, is already barred by limitation so far as it goes to a period before the last quarter of 1935-36, and the remainder must get barred at the end of December this year unless sued for, or realised before that date. The Collection Department has, after all, no complexity. The suggestions that we should make to improve its administration are these:—

- (1) An enquiry ought to be held to find out the total amount barred by limitation, and the officers responsible ought to be required to discharge themselves by showing want of negligence.
- (2) The rules require the bailiffs to present the rate-bills by the 7th day of the 2nd month of a quarter, and if the bills are not paid, the bailiffs should write out and serve a notice of demand seven days after presentation. If the default continues, a distress is issued. These rules are not observed, and they must be strictly enforced; the Collector and the Inspectors being held responsible for any slackness in this respect. Such slackness would be a mark of inefficiency, and to issue only three warrants in the course of a year when the arrears had mounted up to lakhs should itself, without more, justify the severest strictures on the administration of this department.
- (3) Alternatively, we will suggest a notice by registered post mentioning the demand to the owners and occupiers and requiring them to deposit the amount into the Corporation Treasury by a certain date. This will dispense with presentation and a good part of the staff of bailiffs.
- (4) Demands not paid at presentation on the date fixed by the notice will carry interest at 12½ per cent. per annum. We are not prepared to suggest summary sale of the premises in arrear, as in the case of land revenue.
- (5) Transfer of the current demand or any demand to Law Department should not take place unless the Deputy Executive Officer certifies that the amount cannot be realised by ordinary process; and transfer to the Assessor of bills not requiring amendment should be brought to the notice of the Chief Executive Officer.
- (6) The percentage entitling the Collector to bonus should be calculated on the gross current demand reduced by nothing except the amount of the bills sent back to the Assessor for correction provided

there is something to correct. There can be no reason to send a portion of the current demand to the Law Department.

- (7) The Law Department requires greater scrutiny, as we shall point out in the Chapter on Law Department as the affairs there are worse.
- (8) As to the bills returned to the Assessor by the Collector for correction, those not requiring correction should be sent back forthwith, and not after the expiry of the current year, so that the amount of these bills so far as they relate to the current year may not be deducted from the current demand. As to the rest, the Assessor must correct, or amend, and send back the bills to the Collector for realisation, so that such a thing as 34 lakhs of rupees might not be in his hands as an unrealised balance even though a portion of it is disputed.

There was a suggestion that the Collection Department might be abolished and replaced by a rebate system which would induce people to come and deposit the money into the Municipality. The cost of collection, however, is so low—something like 1.6 per cent.—that no rebate worth speaking can be granted without exceeding the present cost of collection. The rebate system is therefore not recommended. We consider that interest on arrears would be far more effective than the cost of demand notice which, even as it is, has been rarely served, and the cost of which has been often remitted, power to remit being delegated to the Chief Executive Officer.

As to the arrears that have already accumulated, we have suggested some remedies in the Chapter on Law Department.

CHAPTER VI.

Law Department.

In charge of a Solicitor, Mr. T. C. Mitra.

1. Arrears which the Collector could not realise by voluntary methods used to be sent to a Warrant Department created in 1866 for recovery by coercive process. That department was abolished on 1st April 1901, as inquiry disclosed gross irregularities in that department, and the arrears that had accumulated there had to be cancelled to a considerable extent. Bills amounting to Rs. 2,22,020 were not cancelled, and sent to a new department called the Suits Department. This department was placed under the Collector, but in 1905 it was placed under a Solicitor. The department is now known as the Law Department. The organisation of the Law Department will appear in Appendix XX. Under the Chief Law Officer there are three sections: Suit Section No. I in charge of the 1st Assistant Law Officer, and Suit Section No. II under the 2nd Assistant Law Officer. The third section is the municipal prosecution section. Suit Section No. I deals with rate and miscellaneous bills relating to Wards 18 to 32, and all suits relating thereto. It also deals with other suits by or against the Corporation in the Alipore and Sealdah Courts. The Section II deals with Wards 1 to 17 and all suits by or against the Corporation in the High Court, and the Presidency Small Cause Court. In each section there are Law Assistants, and other clerks besides process-servers and other menials. Suits are instituted and conducted in courts by the lawyers in the department, but a proportion of the cases is filed and conducted by six retained pleaders paid by fees according to a scale fixed by the Corporation. That scale is Appendix XXI.

2. The Collector realises the rates and certain other dues of the Corporation called miscellaneous bills, and has the coercive powers necessary to realise them from defaulters. Distraint and sale are the summary processes which the Act entitled the Collector to employ to recover his demands. Where these processes prove ineffective, suits are open, and for this purpose, the bills are sent to the Law Department. For such suits it is not a condition precedent that the summary remedy had been resorted to, but had failed, but obviously that is the intention. Nobody would sue if distress will suffice. A suit is complicated and expensive and delays recovery; and it has been humorously said that to send a bill to the Law Department is to do the defaulter a good turn. He will get years to pay, and a deduction from the demand, by way of compromise, at the end.

3. There is a great deal of truth in this remark, but one would suppose that it was of no consequence as few bills would go to court, so long as distress was open; and if a temptation ever arises in the mind of the Collector to clear his hands by needlessly transferring demands to the Law Department it would be sufficiently checked by the following rules:—

- (1) If the Collector is of opinion that any bill for consolidated rate or for any other due cannot be recovered by ordinary process under Chapter XVIII of the Act, he will report the facts of the case to the Deputy Chairman for orders to transfer the demand to the Law Department for recovery by suit.
- (2) No demand aggregating less than Rs. 50 in ordinary cases, or less than Rs. 250 in the case of charge suits in the High Court, will be transferred to the Law Department except under special orders of the Chairman."

These two rules are in paragraphs 480 and 481 of the Assessment and Collection Manual which is in force. It is said that no demand is transferred to the Law Department except under the orders of the Deputy Executive Officer II. These orders must be an idle formality, looking to the following figures given by the Chief Law Officer showing the amounts that have accumulated in the Law Department by reason of transfer of demands by the Collector to the Law Department:—

As at the date 31st March 1947.

(1) Total amount of rate bills sent to Law Department for realisation but not yet realised.

	Rs. a. p.
(a) Amount for which no suits have yet been filed	16,52,006 3 9
(b) Amount for which suits have been filed, but no decrees have yet been made or intimated to Accounts Department	7,74,700 12 1
(c) Amounts for which decrees have been made and intimated to Accounts Department	2,27,321 1 10
Total	26,54,028 1 8

(2) Total amount of miscellaneous dues sent to the Law Department but not yet realised.

	Rs. a. p.
(a) Amount for which no suit has yet been filed	75,982 4 5
(b) Amount for which suits have been filed but decrees not yet made or intimated to Accounts Department	4,512 6 7
(c) Amounts for which decrees have been made and intimated to Accounts Department	3,397 9 10
Total	83,892 4 10

Miscellaneous dues are dues other than consolidated rate, such as dues for water-supply to shipping, excess water consumption, rent of municipal properties, etc. Such bills are realised in the same manner as consolidated rate bills.

As at the date 31st March 1948.

(1) Consolidated rate bills.

	Rs. a. p.
(a) Total amount for which no suit has yet been filed	15,16,774 1 9
Amount pending with Assessor	238 5 6
	15,17,012 6 9
(b) Total amount for which suits have been filed but no decrees have yet been made	8,40,036 7 1
(c) Total amount for which decrees have been made and intimated to Accounts Department	1,90,261 7 10
Total	25,47,310 5 8

(2) Miscellaneous bills.

	Rs. a. p.
(a) 61,969 1 11	Rs. a. p.
(b) 4,437 6 7	69,369 2 4
(c) 2,962 9 10	

4. The Chief Law Officer placed certain figures before a Special Committee appointed by the Corporation, called the Law Department Working Special Committee. The figures were placed at the 6th meeting of that Committee held on 8th February 1937. These figures show the amount of arrears transferred by the Collector to the Law Department in the years appearing below:—

Year.	Rs. a. p.
1918-19	7,757 0 11
1919-20	12,123 8 10
1920-21	5,747 3 5
1921-22	14,463 14 0
1922-23	30,915 0 6
1923-24	30,751 0 6
1924-25	71,275 0 0
1925-26	59,205 10 4
1926-27	1,51,719 8 3
1927-28	1,06,631 15 6
1928-29	1,11,366 1 7
1929-30	1,55,789 0 3
1930-31	1,68,420 0 7
1931-32	2,04,822 4 8
1932-33	2,10,044 6 5
1933-34	4,23,945 10 3
1934-35	4,09,079 14 7
1935-36	4,00,000 0 0 (approximately).

5. The position in 1946-47, as shown above, was an unrealised balance of Rs. 26,54,028-1-8 (consolidated rates) and of miscellaneous bills, Rs. 83,892-4-10. The balances at the end of the next following year, 1947-48, were Rs. 25,47,310-5-8 and Rs. 69,369-2-4. That shows Rs. 1,21,240 was realised in a year. Looking to the unrealised total balance in the Law Department and the expected recovery per year the matter really has gone out of hand of the Chief Law Officer. In the first place, as much as Rs. 15,17,000 (in round numbers) has not yet gone into suits. This total, Rs. 15,17,000, is made up of numerous small demands, and will require numerous suits. The suits, most of them, will have to be charge suits to enforce the statutory charge for rates on the holdings. In a charge suit everybody interested in equity of redemption has to be impleaded. The Chief Law Officer points out before the said Special Committee that it is exceedingly difficult to collect all parties as the assessment register is rarely up to date, and he has to send out clerks to search at the Sub-Registry for transfers, and incumbrances, and also to hold local enquiry. If about the numerous holdings in arrear such investigation has to be made in each case, the task should fill one with despair, whatever addition to his staff may be sanctioned, and as in most

cases the demand in arrear is for more than six years, and often for nearly 12 years, money suits are not open, and might be infructuous if there are not enough moveables to attach. That is the position which confronts the Chief Law Officer with more than Rs. 15 lakhs to sue for, Rs. 8,40,000 in pending suits, and nearly two lakhs of rupees on decrees not realised. There is no doubt whatever that the arrears have, as we said, gone out of hand, and unless some drastic remedies are suggested, the consequence will be that a good part of the demand would annually get

barred by limitation, as they have been doing to the extent shown by the figures below:—

Rate bills barred by limitation at the end of—

			Rs.
1945-46	..	..	27,000 (over).
1946-47	..	..	24,000 (over).
1947-48	..	..	50,000 (over).

6. The following figures will show the net outstanding demands in the hands of the Collector and the net outstanding demands in the hands of the Law Officer:—

Net outstanding demand—Collector's account.

Net demand outstanding on—	For demands relating to the period up to 3rd quarter of 1936-37.	For demands relating to the period from 4th quarter 1936-37 to the end of the year preceding that shown in column 4.	For demands relating to the current year, i.e., the year ended on the date shown in column 1.	Grand total, i.e., total of columns 2, 3 and 4.
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
31-3-46	3,47,614 15 6	12,07,707 1 0	15,51,149 14 3
31-3-47	3,44,725 1 3	14,51,975 4 6	33,65,239 10 0
31-3-48	3,41,327 4 9	24,42,093 15 9	39,45,333 3 6
				67,28,754 8 0

Net outstanding demand—Law Officer's account.

Net demand outstanding on—	For demands relating to the period up to 3rd quarter of 1936-37.	For demands relating to the period from 4th quarter of 1936-37 up to the year ended on the date shown in column 1.	Total, i.e., total of columns 2 and 3.
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
31-3-46	5,37,318 15 4	22,84,164 10 1
31-3-47	4,38,718 11 2	22,15,311 6 6
31-3-48	3,75,629 12 2	21,71,680 9 6
			25,47,310 5 8

It will be noticed that at the end of 1948 demands for a period up to the 3rd quarter of 1936-37 aggregate Rs. 3,41,327 in the Collector's hands, and Rs. 3,75,629-12-2 in the hands of the Chief Law Officer. Unless these figures are due for the 3rd quarter of 1936-37 alone, and not for any earlier period, most or some of it must be already barred by limitation, and the remainder will be barred at the end of December of the current year (1949). We doubt that the Chief Law Officer will be able to institute suits for the sums making up this figure before the end of December next. It will be noticed that the total of the rates unrealised as on the date 31st March 1948 is nearly 93 lakhs of rupees. Of this sum Rs. 25,47,310 is pending in the Law Department and of this last figure 15 odd lakhs has not yet been sued for, or to be quite exact, had not been sued for on the date 31st March 1948.

7. We have examined how such enormous sums could be transferred to the Law Department despite the check of the Deputy Executive Officer. We have considered in the Chapter on Collection the reason which the Collector has given for sending the demands to the Law Department, instead of collecting them himself. We shall presently advert to that reason which will not bear a moment's examination. We have tried to ascertain the rate at which the demands were sent to the Law Department, and the figures given above for the years 1918-19 to 1935-36 will show the progressive increase of the volume of work in the Law Department. We could not get the figures for 1936-37 to 1943-44, but the following are the figures for amounts sent to the Law Department from 1944-45 to 1947-48, as stated by

the Collector in his letter D.-O. No. C/189, dated the 29th August 1949—

	Rs.
1944-45	2,73,394
1945-46	2,15,533
1946-47	1,76,422
1947-48	1,82,507
1948-49	Not ascertained.

The position as at the date 31st March 1948 as shown above leaves little doubt that large demands were steadily flowing into the Law Department, and accumulating there till we reached the figure Rs. 25,47,310, not counting nearly Rs. 70,000 in miscellaneous bills.

8. The root cause, in fact, the only cause of this lamentable state of things is the failure of the Collector to collect the rates by distress, or even by presenting the bills, and his ability to clear his hands by transferring large balances to the Law Department. That is really no check by the Deputy Executive Officer. There could not be, except as a meaningless formality. He could not possibly see each of the bills and decide, as the rule quoted above requires, whether it was a fit case to transfer to the Law Department. At the second meeting of the Special Committee held on 26th July 1936, the Collector made the following statement before the Committee:—

"The reasons for growth in the volume of amount transferred to Law Department are given below. Power of distress applies to moveable only. When Collector's power fails, there is no alternative, but to file money suits or charge suits where necessary by Law Department. Due to economic difficulties, cases of this nature are growing day by day. Majority of rate-payers have hardly any means to pay or moveable for seizures".

Before us the Collector has added a further reason :—

"Generally the transfers are made where the parties are Receivers, Trustees, Executors, *Mutwallis, Sebaits* or some such qualified owners. No coercive measure can be taken against them under the Calcutta Municipal Act. Such measures cannot also be taken where the premises do not contain sufficient moveables, or where such moveables cannot be properly identified as belonging to the defaulter"

9. We have dealt with this explanation in the Chapter on Collection. It is enough to say here that the Collector could not give us figures showing the number of distress warrants he had issued during the last five years, but he gave us figures showing the number of cases in which such warrants were executed, and the case in which goods were put up for sale have been collected by our office from his Sales Register. The figures are these—

Years.	Number of cases in which warrants were executed.	Number of cases in which goods were put up for sale.
1942-43	147	21
1943-44	102	15
1944-45	66	7
1945-46	..	4
1946-47	..	3
1947-48	..	3

The figures after the Corporation was superseded were—

	Number of warrants issued.	Number of warrants executed.
1948-49 (1st two quarters)	957	733

Goods were attached and put up to sale in three cases where arrears had amounted up to nearly Rs. 40,00,000. Trustees, Receivers, etc., present little or no difficulty in view of section 519 of the Act under which the service of a notice of demand would convert the liability into personal liability, and it is noticeable that the "owner" includes a Receiver or a Trustee or even an agent [section 3(50)]. It is of course wrong when he says that "majority of rate-payers had hardly any means to pay or moveable for seizure", looking to the percentage of collection somewhat near 90, but what altogether negatives the reason assigned by the Collector is to look at the names of the defaulters sent to the Law Department, or in arrear for more than a year. Among these one sees some trustees, but the rest include not only substantial people, but rich men who would certainly pay if only the bills were presented to them. Among the defaulters, for instance, are Messrs. Hindusthan Co-operative Insurance Society, Limited, Messrs. Burmah Shell Oil Storage and Distributing Co. (India), Limited. In the first two quarters of 1948-49, after the Commission began its inquiry large sums were collected from defaulters who could be all described as substantial and even rich people (*vide Appendices XXII and XXIII*). It is plain that the arrears accumulated not because the rate-payers were generally poor, but because no bills were really presented for collection, much less notices of demands. We wanted to look into the diaries of the bailiffs to see whether they had been to these people to collect the bills, but the diaries called for were not produced. It is clear that omission or, may be, forebearance to collect the rates is the cause of the enormous arrears that have accumulated, and the Collector has been transferring from time to time, portions of these arrears to the Law Department, particularly when they are about to be barred by limitation, and when he does so, naturally he adds demands for succeeding years, so that these might not get barred by suit.

10. What happens in the Law Department when the annual in-coming demand adds to the volume in its hands is what might be expected. It institutes some suits, not as many suits as it can, and cannot possibly institute all, so that in 1946-47 over 16 lakhs was remaining out of suit, and in the following year, as much as 15 odd lakhs. Before the Special Committee aforesaid the Chief Law Officer mentioned his difficulties in collecting necessary parties in charge suits, in getting a proper description of the premises and so forth, and after suit, the delay caused by devolution, insolvency, liquidation and the like. He asked for additional staff, got it from time to time, but no addition to the staff can be a remedy to the state of things, so long as the in-coming volume of unrealised demand is not stopped. Making every allowance for the difficulty caused by this fact we are constrained to say that the work in the Law Department does not show that anybody takes any interest in that work. The suits after they are instituted are allowed to drift. The registers show that no responsible officer could have inspected them. In 1940 and 1941 was introduced a system under which a proportion of the suits are instituted by "outside" lawyers, and the rest by the departmental lawyers. There is one register for suits instituted and carried on by the department and another register for suits instituted and conducted by external lawyers, and an examination of these registers show that they have been thoroughly neglected, and absolutely necessary details have not, in many cases, got upon them; and so far as the registers of suits instituted by external lawyers are concerned, they are kept not by the departmental clerks, but by the pleaders. It is said that they or their clerks come to the office and make the entries in the registers, such entries as do occur there.

11. These pleaders and their clerks are professional men, and are not wholifetime servants of the Corporation. They come when they choose, enter in the books what they like, and sometimes make no entries at all. An inspection of the registers shows that most of the columns are blank, in some cases even the number of the suit has not been entered, and in certain others, the date on which the suit was filed does not occur. There are entries like "Suit Decreed", but the amount decreed has not been entered. There are entries like "compromised", but no entry of the amount for which the suit was compromised. Figures for costs incurred after the institution of a suit are rarely entered. Full satisfaction is entered up although the decreetal amount is not known and one is expected to infer the latter from the payments entered and upon probabilities. It is by no means clear whether the payments entered satisfied the decrees, and whether further execution should be taken. The Law clerk said that that was for the pleader to decide. If a balance is due he will know and execute. What the pleader deposits in the Law Department or into the Treasury as the full decreetal amount is taken for granted, and it is not certain what amount was actually decreed and what amount the judgment-debtor had actually deposited into Court, or paid to the pleader. One could not see any trace of any interest allowed by Court, or of the fees allowed to pleaders by Court or paid by the Corporation. One, of course, cannot say by looking at the register the stage at which a particular suit is, and in many cases, whether it is pending or decided. Looking to the blanks everywhere, it would be difficult to believe that a register of suits could ever be kept in a public office in this fashion, but it is not kept by the office at all, but by outside pleaders who enter what they like, if they enter anything at all, and the department apparently proceeds on the footing that directly cases are made over to the pleaders, it is their business to file them, to conduct them, to realise the decrees and enter what

proceeding they think fit in the register, and the result is the blank columns and the absence of essential entries in almost every case. On this register every one of the Corporation lawyer will have to be sued for an account to find out what they had sued for, what had been decreed, what they had realised, and what they had deposited into the Corporation Treasury.

12. There were many cases in which full satisfaction was entered up by remitting portions of the claims or decrees, and these remissions are described as "Compromised" by the Chief Executive Officer under section 537 of the Calcutta Municipal Act. The powers under section 537 have been delegated to the Chief Executive Officer. We had no time to check whether the "Compromised" under which a lesser figure was taken had, in fact, taken place, but it is certainly necessary to check the amounts paid in by pleaders as the full amounts of the decree, and entered as such by them on the register. We do not for a moment say that the Corporation should take a copy of every decree, but some clerks of the Corporation ought to go and ascertain the decreetal amounts at Court before a payment by the pleader, or by the judgment-debtor in the office is accepted as correct. We mean no reflection on the pleaders concerned, but in every case the amount decreed should appear from the decree or from the records in Courts.

13. The system would thus seem to be to make over a proportion of intended suits to external pleaders, and then to wash one's hands of the whole affair. As we said, the department keeps no further information of what is happening in the suit, and merely receives the fruits of the decrees, that is, what is made over to it as such fruits without inquiry. We had no time to find out whether any proposed suits were not instituted at all, and whether these might not be those whose numbers are not in the register. One case, however, came to our notice. The Chief Law Officer made over certain papers to a pleader for recovery of rate in respect of 26/4, Ahiripuker Road. Upon our inquiry the Chief Law Officer wrote to say that a portion of the claim, Rs. 148-0-6 got barred by limitation because of the pleader's delay in filing the suit. He added that the pleader had agreed to make good the loss. One single concrete case we have examined with some care. We addressed an enquiry to the Chief Law Officer to ascertain why the rates in respect of 100, Durga Charan Doctor Road had not been realised. His answer, in effect, was that there had been two suits for two succeeding periods, one decreed, and the other still pending, and the delay in realising the decree was due to the fact that deaths were occurring among the judgment-debtors, and among their legal representatives and the necessity of substituting the successors which took time.

14. As to the suit for the later period, the date of its institution is not given, but it is said that the delay is due to the same cause.

The following facts appeared from the record:—

- (1) The rates have been due from the first quarter 1926 to this date except for a part payment towards the earliest 3 quarters.
- (2) The demand relates to a bustee. Its marked value is said to be more than a lakh of rupees (Area 1B,12K.).
- (3) The earlier suit which ended in a decree was suit No. 833 of 1932. It was decreed on 24th March 1933 for Rs. 1,771-9-9 plus cost and interest.
- (4) Not a pice of this decree has been realised.
- (5) The decree is a money-decree and not a decree to enforce a charge, so that it was open to execute it against any of the five judgment-debtors, and against any of their properties, not necessarily against the bustee aforesaid, but the Chief Law Officer stated that it was thought advisable to proceed against all the judgment-debtors, and not some of them, and this involved the necessity of substituting the legal representatives of whichever judgment-debtor was dying.
- (6) Judgment-debtor No. 1 was Capt. J. N. Banerjee, Bar.-at-Law, since deceased. It appears that on 7th September 1934 he executed a trust-deed comprising several properties including his share in this bustee. Upon his death the trustees in office were sought to be substituted as his legal representatives. The trustees went on dying or retiring, and the Corporation went on substituting their successors, and trying to serve them with notices, though one of them was living in Ceylon and the other in New Delhi.
- (15) In the meantime the other judgment-debtors either died, or transferred their interest in the said bustee, with the result that the share of one of the judgment-debtors in the said bustee alone, was available for sale in execution of the decree. Consequently, on 25th August 1948 an application was made for attaching that share only. It is stated that an order for sale has at last been made. That is to say, the Corporation did not execute the decree so long as the judgment-debtors were alive, or did not sell their shares. It needlessly and wastefully carried on the proceedings to substitute the trustees of Capt. Banerji, though other judgment-debtors could have been proceeded against, and the share of any one of them in the bustee would have been sufficient to realise the decree and eventually, 16 years after the decree, the Corporation did what it might have done long before. It applied for sale of the share of one of the judgment-debtors. There was the less reason for wasting time over the trustees seeing that the Chief Law Officer had agreed not to proceed against Capt. Banerji unless execution against the others left the decree unsatisfied (*vide* L.215, dated the 12th May 1932). It seems to us that the proceedings, after the decree, were bad and taken without the slightest thought. It was not a charge decree, so that it was not necessary to have all the co-sharers impleaded at any stage. The trustees who were supposed to cause difficulties were not legal representatives at all, and the decree could not be executed against Capt. Banerji's share, unless the Chief Law Officer was prepared to break his promise, until execution against the rest failed.
- (16) In the suit for the subsequent period the claim is Rs. 8,000. It is said that it is a charge suit, which means that the decree, if it takes place, will be a decree for the sale of the said bustee. It does not appear that anybody has considered what effect this suit will have upon the right to execute the existing money-decree against the same property. A decree for Rs. 1,771 odd had not been realised for 15 years.
- (17) The Law Department, we must conclude, is in a desperate condition which cannot possibly cope with the volume of arrears before it, annually augmented by a large volume of arrears almost dumped into this department. Those in the department take no interest in the work, or the registers would be better kept if they can be described as kept at all, and a decree for less than Rs. 2,000 against people able to pay would not remain unrealised for 15 years. That being the position the only remedies that we can suggest

must be largely administrative remedies though one or two would require legislation. These are—

- (1) The Collector should have no power to transfer demands to the Law Department, but the Deputy Executive Officer may sanction such transfer only after satisfying himself by examining the diaries of the bailiffs or Collecting Inspectors that full advantages have been taken of section 190 to section 201 and section 203 of the Calcutta Municipal Act. The Collector who endeavours to transfer the arrears to the Law Department without fully applying the summary remedies should be held unfit for his job.
 - (2) As to the arrears that have actually accumulated in the Law Department, the Chief Law Officer, if well within limitation, will send out written requests for payment. We know that such request had been complied with by people to whom bills had not been presented at all.
 - (3) That in charge suits the Corporation will be bound to implead only those who are on the Assessment Register as owners or occupiers, and not subsequent transferees or even heirs or legal representatives, so long as one man at least of the recorded owners on the Assessment Register is alive. This last requirement is not a requirement in summary sales, like revenue or patni sales, but we should not go as far, as that may encourage acquisition of property by fraud. This recommendation will require legislation, but this provision alone will make it possible for the Law Department to put its arrears into suits.
 - (4) That arrears of consolidated rates and all sums due to the Corporation, should bear interest at $12\frac{1}{2}$ per cent. per annum if not paid on due date. This also will require legislation.
 - (5) That the power to remit this interest or the cost of the notice of distress should be taken away or very sparingly used.
 - (6) That Corporation demands, if they are heavily in arrear, should not be reduced by way of compromise as has been frequently done, so that default might not turn out to be an advantage, as it has done in some cases.
 - (7) That no rate-payers who are in arrear, should be entitled to vacancy remission anywhere.
 - (8) That the practice of getting the registers written up by Lawyers or any persons not in service of the Corporation ought to be strictly forbidden, and the Law Officer or Assistant Law Officer must inspect the registers at least once a week to satisfy themselves that the registers are properly kept. Admitting strangers into the office of the Law Officer is a hydra-headed evil.
 - (9) That there should be power in the Chief Law Officer to punish his subordinates for neglect of duty so that they may be held responsible for mismanagement such as has gone on.
-

CHAPTER VII.

License Department.

The License Department is under the control of a License Officer and the organisation of his department will appear in Appendix XXIV. It is the duty of the department to assess and collect certain taxes and fees imposed by certain sections of the Calcutta Municipal Act, or by the Corporation in

exercise of powers given by the Act. It collects also the fees imposed under the Fire Brigade Act. There is a License Manual published in 1931 regulating the proceedings of the department.

2. Cases in which licenses have to be taken out under the Calcutta Municipal Act fall into 4 classes:—

- (i) Cases in which the scale of fees has been fixed by the Act (section 175 read with Schedule VI; section 179 read with Schedule IX).
- (ii) Cases in which a maximum fee has been prescribed by the Act, and the Corporation can levy any fee subject to that maximum (e.g., section 165 read with Schedule VIII; sections 386, 390).
- (iii) Cases in which no fee can be charged—section 394 (certain vendors in municipal markets).
- (iv) Cases in which the Corporation fixes the fee [e.g., sections 391, 396, 405 and 413 read with section 498(2)].

The License Department collects the taxes and fees under the following sections:—

Section 165.—Carriage and animals (not exceeding the rate prescribed in Schedule VII—rates to be annually fixed in the budget estimate).

Section 173.—Dog tax (not exceeding Rs. 5).

Section 175.—Profession, trades and callings (fees in Schedule V).

Section 179.—Scavenging tax (only from persons exercising callings in Part I, Schedule IX—license to be taken half-yearly).

Section 184.—Fee Rs. 4 for registration of carts *plus* Re. 1 for number plate.

Section 386.—Fees for using premises for certain purposes. Fees to be fixed by Corporation, subject to a maximum of Rs. 500.

Section 390.—Eating house, tea shop, hotel, boarding house, bakery, aerated water factory, ice factory or where food is prepared for sale. Fees not exceeding Re. 1.

Section 396.—Private market and slaughter house (fee as prescribed by Corporation).

Section 405.—Trade of a butcher selling any four-footed animals or meat or fish outside market (fees prescribed by Corporation).

Section 413.—Shops and places for retail sale of drugs (fees prescribed by Corporation).

Section 428.—Sale of milk.

The department also collects the Fire Brigade tax to which we shall refer below.

The license fee imposed under section 391 read with section 498(2) in respect of theatres and places of amusement is, however, collected not by the License Department, but by the Theatre Inspectors under Deputy Executive Officer I.

3. The work of the department is managed by the License Officer with the aid of two Deputy License Officers, and a staff of Inspectors, Sub-Inspectors, clerks, bailiffs, sircars, orderlies and peons. One Deputy License Officer is in charge of Wards 1 to 9 and 28 to 32 and is called Deputy License Officer (North). The other, Deputy License Officer, South, is in charge of Wards 10 to 27. The duties of each in his area are the same. Under each Deputy License Officer there are a number of License Inspectors. Each License Inspector is in charge of one unit for assessing the taxes or license fees, and of another unit for collection of

the fees under sections 165, 175 and 173, that is, he assesses in one area and collects in another. The collections, however, under the Health sections, viz., 386, 396, 405, 390, 428 and 413 are made only at the Central Municipal office, and so also fees payable by taxi-cab owners in respect of their business. These office collections are in charge of an Inspector called Counter Inspector. For prosecution for non-payment of fees, there is another Inspector called the Prosecution Inspector. For collection by warrant of distress there are bailiffs, 34 in all. For recovery of license fees payable under sections 386, 396, 405, 413, 390 and 428 distress is not open, but only prosecution. In the case of hawkers who are liable to take out a license under Schedule VI, Class VIII, item 81, or Class IX, item 83, Sub-Inspectors collecting this tax from street hawkers are required to compel every hawker selling without license to accompany them to the office. At the office the hawker will be asked to take out a license and pay the fee, and on default, his goods will be seized under section 211 and detained while he goes home to fetch the amount required. Whoever framed this rule never visualised the procedure—the Sub-Inspector catches a hawker and takes him to the office, goes back and catches another, going backwards and forwards in this fashion. There will be great temptation not to catch them at all, or to catch them and let them go on payment of a fee, or a little *bakshish*.

4. The following figures will show the number of licenses issued during the years 1945-46 to 1947-48:—

Nature of licenses.	No. of licenses issued for 1945-46.	No. of licenses issued for 1946-47.	No. of licenses issued for 1947-48.
1. Section 175 (trades and professions) ...			
Class I	395	408	439
Class II	241	276	283
Class III	61	50	49
Class IV	1,819	1,811	2,017
Class V	9,994	10,361	11,587
Class VI	11,766	10,849	13,237
Class VII	16,948	16,102	27,763
Class VIII	35,565	32,724	35,578
Class IX	2,051	2,709	915
2. Section 179 (scavenging) ..	7,295	5,476	3,746
3. Section 386 (offensive trade) and section 405 (meat shops). .	5,811	4,590	4,607
4. Section 396 (market and slaughter houses). .	39	68	105
5. Section 413 (sale of drugs) ..	1,266	1,011	1,305
6. Section 390 (eating house) and section 428 (sale of milk). .	4,489	5,428	6,180
Total ..	97,640	91,953	107,871

Statement of demand.

	1945-46.	1946-47.	1947-48.
	Rs. a.	Rs. a.	Rs. a.
Section 165(i) (carriages and horses, private).	30,309 0	57,496 0	70,358 0
Section 165(ii) (carriages and horses, hackney).	10,786 0	14,344 0	15,296 0
Section 173 (dogs) ..	13,795 0	15,480 0	17,300 0
Section 175 (trades and professions). .	16,84,544 0	18,08,356 8	19,60,634 0
Section 175 (hawkers and market squatters.)	16,466 1	12,793 0	15,860 0
Section 390 and 428 (eating houses).	6,509 0	7,493 0	7,495 0
Section 179 (scavenging) ..	46,446 12	56,357 0	63,407 0
Section 386 (offensive trade)	97,538 8	1,08,325 12	91,815 8
Section 405 (meat shop) ..	2,112 0	1,992 0	2,928 0
Section 390 (private markets and privates slaughter houses).	4,150 0	7,250 0	7,500 0
Section 413 (drug shop) ..	9,164 0	9,513 0	9,973 0
Total ..	19,30,820 5	20,99,400 4	22,71,986 8

The following figures will show the arrears as at 31st March 1948:—

	Rs.	P.
Section 175 (trades and professions) ..	6,62,232	8 0
Sections 165 and 173 (carriages and animals) ..	1,35,402	0 0
Section 179 (scavenging and hackney) ..	42,540	8 0
Section 184 ..	..	..
Section 386	1,90,009	8 0
Sections 390, 428	40,509	0 0
Section 396	4,450	0 0
Section 405	9,720	0 0
Section 413	14,882	0 0
Total	10,99,745	8 0

5. It will be seen that the total annual demand was in 1947-48, Rs. 22,71,986 out of which Rs. 19,69,634 was levied under section 175, i.e., for trade license, i.e., licenses which people following a profession, trade or calling are bound to take out for a fee.

6. The figure for arrears does not reflect credit on the administration. Owners of private carriages and horses are generally substantial people and so are the owners of markets and keepers of dairies. They are heavily in arrear. There are certain demands which can be recovered by prosecution alone, not distress. These are demands under sections 386, 396, 390, 405, 413 and 428. The demands under sections 165, 175 and 179 are recoverable by distress as well as by prosecution, and it is incredible that such arrears under these heads could accumulate to the extent they have done if these remedies had been vigorously applied. We have noticed a reluctance in Collection Department to employ a coercive process like distress in recovering consolidated rates. That reluctance is shared by this department also. We are told that Councillors used to disfavour restraint.

7. We have little doubt that many people evade the license fees, particularly, those bound to take out a trade license. The License Officer says that it is difficult to trace "invisible traders" or "invisible professional men" like brokers, or commission agents, who put up no plate or signboard, but carry on their business in obscure places, and, may be, in a room of a known business-house. We shall presently come to his suggestions to prevent such evasion, but among the causes that enable people to evade the tax, he does not include the short-comings of the License Inspectors. The License Inspector is the backbone of the department, as the Income-Tax Officer is the backbone of the Income-Tax Department. He assesses the fee for every license under every section of the Act. He collects only those under sections 165, 173 and 175. He assesses in one area and collects in another, and the reason of this is said to be that Collecting Inspectors, if they were distinct, would not have enough work to do until the assessment is made. Demands under sections other than 165 and 175 are collected in office, and an Inspector, called the Counter Inspector, is in charge of the office collections. Trade-license fees for bus and lorry owners are also collected in the office. The assessment, however, is made by the License Inspector under every section of the Act in his area, and looking to the rules it must be a very difficult task, so far as trade licenses are concerned, and opportunity for fraud or mistake is obvious.

8. This will appear from the scheme of the Act so far as the trade licenses which bring the greatest amount of fee are concerned. Fees for such licenses have been prescribed by Schedule VI to the Act. In that Schedule there are 9 classes a fee being prescribed for each class. The fees are—

	Rs.
Class I	500
Class II	250
Class III	200
Class IV	100
Class V	50
Class VI	25
Class VII	12
Class VIII	4
Class IX	1

For a few trades or professions, there is a fixed fee for a license. For stevedores the fee is Rs. 100; for the keeper of a liquor shop the fee is the same; they are in Class IV. Similarly, a commercial traveller or a dealer of precious stones is in Class V (Rs. 50) whatever his status. Leaving aside a few such professions, the rest of the trades and professions have been thrown into certain categories, and each of these categories is put into a higher class or lower according to their status indicated by the rental value of their business premises; and in the case of certain professions by the income-tax they pay. One category, for instance, is—"Company or association or body of individuals the paid-up capital of which is equivalent to Rs. 20,00,000 or upwards." That is in Class I and the fee is Rs. 500. When the paid-up capital is Rs. 10,00,000 or more but less than Rs. 20,00,000 it is in Class II. When the paid-up capital is Rs. 1,00,000 and over but less than Rs. 10,00,000 it is in Class IV and the fee is Rs. 100, and when it is less than Rs. 1,00,000 it is in Class V. This category has been rightly taken as including only corporations, though the description is certainly wider, but "the paid-up capital" is a clue to the person denoted by the said words. In the case of an incorporated company, it should be easy for a License Inspector to get at the paid-up capital by looking to the balance sheet, but his difficulty will occur where the monthly value of the business premises is the basis of the classification. A merchant, for instance, is in Class III, if the monthly value of the business premises is Rs. 1,000; in Class IV if it is Rs. 350; in Class V if it is Rs. 100. A shop-keeper is in Class IV if his business premises has a monthly value of Rs. 350; in Class V, if it is Rs. 100; in Class VI if it is Rs. 30; in Class VII if it is Rs. 15 and if it is not in any of these classes, in Class VIII. That is to say, in these cases the amount of fees would depend upon the monthly rent of the business premises "as valued under Chapter X of the Calcutta Municipal Act." Where the valuation of the place of business determines the class of license, and therefore the fees, the license is called a "local license." Professional men such as doctors, or lawyers are put into two classes, in Class V, if they pay income-tax on Rs. 2,000 or more, and in Class VI if they do not fall into Class V.

9. Most of the trade licenses are local licenses and the fees depend upon, as we said, the monthly valuation of the business premises fixed under Chapter X of the Calcutta Municipal Act. Strictly speaking, there may be business premises valued under section 127(b) which says nothing about rent or rental value monthly or annually, but leaving that aside the fact which confronts the License Inspector is the fact, that a trade, as often as not, in fact oftener, occupies a portion of a premises, and not a premises in its entirety. A 20-roomed house may be occupied by 20 traders, each doing his business in a single room. The Assessment Book will show the valuation of the entire premises, but not of a part so that the License Inspector has to value the part to be able to class his licenses. He is not an assessing expert but, generally speaking, a B.A., B.Sc. or B.Com. Of assessment of real property for rates he cannot be expected to know anything, and this is precisely he has got to do at every step. Schedule VI, rule 6 requires that in such a case the valuation of the part will be the reasonable rent for that part. The License Inspector has to determine that, and put a trader into the appropriate class. If he assesses Rs. 100, he will get into Class V and his fee will be Rs. 50. One sees, therefore, how much the revenue depends on the judgment of the License Inspector even if there is real judgment, and not a pretence of it to reduce the fee. In fixing a reasonable rent no irrefragable reason can be given why in a given case the rent should be Rs. 100 and not Rs. 99 which would put him in Class VI and reduce his fee to Rs. 25. In point of fact the License Inspector purports to take the

actual rent and to class the assessee. The habit of mis-stating the actual rent with a view to reduce the consolidated rate is notorious, and there is no reason to suppose that this does not happen during assessment for a local license. The rules require the Deputy License Officer to check 5 per cent. of the assessments and the License Office to check 1 per cent. That does not go very far. We consider that license fee so long as it depends upon valuation of business premises made by the Inspector in each individual case for determining the fee, is bound to be a most unsatisfactory method, and does not exclude discrimination, and must, in any case, be a source of constant error.

10. A shop-keeper keeps a shop in a portion of a large building. If the estimated monthly rent of that portion is Rs. 350, he is put into Class IV and pays a fee of Rs. 100; if the rent is assessed at Rs. 349 he gets into Class V and pays Rs. 50. It is needless to give other instances. Slabs of the kind stated, depending on estimated rent, opens the door to discrimination, and if, one were evil-disposed, to fraud. Certain professional licenses, not being local licenses, are put into two classes; those paying income tax on an income of Rs. 2,000 or upwards are put into one class, and the rest into another class. We are told that it is difficult to ascertain what income tax a man pays, and income tax-papers being confidential, are not accessible. As a principle of classification, therefore, it does not work, or does not work very well at margins.

11. Actual rent, rather than estimated rent, would be a better principle of classification in the sense that the rent in a given case, for instance, may be, as a matter of fact, Rs. 99 in one case, and Rs. 100 in another, and one cannot complain if these figures put people into different classes with liability for different fees; but "actual rent" will not satisfy the terms of the rule (Rule 6, Schedule VI) and the habit of concealing the actual rent is notorious, and a sample survey held in Calcutta showed that on the average, what was stated to be the actual rent, was half of the true figure. So long as there must be some classification of tradespeople for fixing the license fees, so that they may vary with the size of the business-house, or the volume of the business, something which may serve as an index to these will have to be adopted as the principle of classification and it is difficult to see what else can serve as such index except the monthly value of the business premises though that is not always a true index to the status, or volume of a business of a tradesman. Gross turnover, as in charging the sale tax, will not serve the purpose, as the trades charged are not always the business of selling goods. Those who pay income-tax, and those who do not, might be two good classes, but obviously in each of these classes there must be grades, and there will be no means of ascertaining these in one class, and practically no means of ascertaining these in another class unless the Income-tax Department is permitted to give the requisite information, and the License Department has the time and staff necessary to utilise this information for classing the licenses. Practically speaking, therefore, the present method of valuation by the License Inspector will have to remain though that valuation must be checked by the License Officer or by the Deputy License Officer. The present rule provides that they will check one per cent. and five per cent. respectively. The percentage should be increased so far as Deputy License Officer is concerned, and the checking should be done seriously. We could see no evidence of this check on the rough sheet of a License Inspector who appeared before us, except in one case.

12. A larger percentage of checks will suffice provided the License Officer has power to reduce or remove a License Inspector, if his valuation is not an honest valuation, and errors on the side of deficiency have taken place more often than chance

or mistake will account for. It will be enough if this power is in the Chief Executive Officer to be exercised upon report by the License Officer, and the Chief Executive Officer must himself check a few valuations, so that the ultimate responsibility for fraud or inefficiency might be in him as well as in the departmental head. If our recommendations on the powers of the Chief Executive Officer are accepted, his power would be commensurate with his responsibility for the entire administration.

13. As to the omissions to assess altogether for trade license fee, these have occurred, as the License Officer admits in his report submitted in compliance with our Circular No. 1, dated the 12th May 1948. He says "it is difficult to assess small firms who have office and *gaddis* in combination with others in the same room, or in insignificant localities. It is still more difficult to trace out what we may call invisible assessees, such as contractors, lawyers, doctors, order-suppliers and brokers * * * * . We are at the mercy of the tax-dodgers." He makes 14 suggestions to prevent evasion of license fees. Some of these are very drastic, such as power to seize books if not produced on notice. Other suggestions are not so drastic, but include power to call for returns, to impose a legal duty on house-owners to furnish a list of persons carrying on trades, etc., in the premises and so forth. One suggestion is daily fine for not taking out a license, and power in the Corporation to stop people practising their professions, or carrying on their business, unless they pay the fees by a given date, and he suggests that it may be made obligatory for the Registrar of firms and joint stock companies to furnish, free of cost, lists of companies and firms with their addresses, etc. As we said, some of the remedies suggested against evasion are very stringent and may defeat their own object by the odium they would cast upon the Corporation. They would be very oppressive. The Corporation, an elective body, will, after all, rule, and it will certainly try to avoid the odium and make some of the remedies dead-letter, even if they could be induced to suggest legislation on the lines. There is something in the suggestion about giving power to call for returns, but this power already exists (section 178) but is apparently forgotten. We ought to add that not only invisible traders but very visible people carrying on a profession, and very visible shops selling goods also evade the tax, so that the more practical remedy is greater vigilance of the License Inspectors, and attachment of disadvantage to such of them as shut their eyes and allow the evasion to go on. If a License Inspector were so minded, he could make his office very profitable without running any risk of detection. If he puts a shop into Class VI, the fee will be Rs. 25 and if in Class V, the fee will be Rs. 50 and nobody can say that the valuation instead of being Rs. 99 should be Rs. 100. At 12, Dhurrumtolla Street, there is a doctor whose full designation is M.B., F.R.C.S. (Edin.), D.I.O. He keeps what is called consulting rooms at the same address. He has been put in Class VI on the improbable suggestion that he does not pay income-tax on Rs. 2,000. If he did so, he would be in Class V and the license fee would be Rs. 50 instead of Rs. 25. There are nine shops at 35/B, Wellington Street, and 3 shops at 35/C, Wellington Street. Out of these 11 took out licenses for 1948-49.

14. License fees prescribed by the Act strike one as low, the highest being Rs. 500 payable by a single class, incorporated companies having a paid-up capital of Rs. 20 lakhs. Shops put into Class VIII are the largest class of license-holders, the total number in this class being 35,578, and the fee they pay is Rs. 4 per year. Shops that pay less than Rs. 15 per mensem as rent come into Class VIII. One may doubt whether shops paying less than Rs. 15 could be so numerous. We express no opinion on this point, but we should add that 35,578 in Class VIII include hawkers.

We are surprised to find that there are only 915 hawkers in Class IX, hawkers with baskets and trays, paying Re. 1 each as fee. With regard to these, the procedure is that if a man is found hawking goods he is taken to the Central Office. His goods are seized and he is allowed to go home and fetch Re. 1 if he has not got it on his person. Hawkars in Class VIII are just hawkars without basket or tray, but we do not know what exactly these two words are supposed to denote. The License Officer informs us that more hawkars are put into Class VIII than in Class IX. We do not know why Class IX hawkars were 915 in 1947-48 and 2,709 in 1946-47. It may be that most were allowed to escape, or a clearer definition of tray or basket altered the figure. As to whether licensee as in Schedule VI should be generally increased, it is difficult to express an opinion. There should be no improper restraint on trade, particularly as most people will have to make their living by business of some sort, and not by employment on salaries, nor by exercising a learned profession. We notice, however, that certain new classes have been added to the list in Schedule VI. These classes are Cinema Film Distributors, being the new item 15A in Class IV, Railway freight Negotiator and Advertising Agent in Class V and Keepers of Hair Dressing Saloons put in Class V or Class VI or Class VII according to the monthly valuation of the premises. We have also noticed that the Administrative Officer has recently increased fees payable under sections 386, 396 and 405 of the Calcutta Municipal Act. The increase is substantial, as we said before; fees under these Sections are fixed by the Corporation and not by the Act. While on this topic we might mention that there was an idea of increasing the license fees in Schedule VI, and the Corporation passed the following resolution on 27th March 1947 on the recommendation of one of its Committees:—

"That Government be approached for revision of the scale of taxes under Schedule VI in cases where the tax is below Rs. 50 by introducing 2 more clauses in the Schedule as follows:—

	Rs.
Clause VI-A : Where rent is Rs. 60 or above but below Rs. 100.	.. 40
Clause VI-B : Where rent is Rs. 30 or above but below Rs. 60.	.. 25
Clause VII : Where rent is Rs. 20 or above but below Rs. 30.	.. 15
Clause VII-B : Where rent is above Rs. 15 but below Rs. 20.	.. 12

This resolution was not forwarded to Government by Mr. M. Ray, then Secretary, whose duty it was to do so. So that it may be said that if the resolution received Government approval, it would have brought additional revenue, and the failure to send it to Government deprived the Corporation of a chance to get additional revenue. We wrote to the Administrative Officer again and again for the result of his enquiry but have not been able to obtain it. As to whether the fees in the Schedule VI or the fees prescribed by the Corporation under section 498(2) should be increased, or new classes like rickshaw-wallahs, hand-cart pullers and owners, dhobis, muchis, barbers, shawl-repairers ought to be added to the callings in Schedule VI, the Commission would leave the matter to the Corporation and to Government.

Fees payable in respect of theatres under section 391 are collected by 3 Theatre Inspectors, who work directly under Deputy Executive Officer No. I.

Cart Registration Officer.—This officer is technically subordinate to License Officer, but is alone responsible for registration of all carts, with certain exceptions, kept or used in Calcutta or in the municipality of Howrah. The fee payable for each registration of a cart is Rs. 4 and there is an additional charge of Re. 1 for the number plate to be affixed to the cart. The produce of the tax, after deducting expenses, is divided between the

Corporation of Calcutta, the Commissioners of the municipality of Howrah, and such other municipality in the neighbourhood of Calcutta or Howrah as the Provincial Government shall declare. Section 187 forbids a person to drive a cart without a Corporation ticket assigned to the cart. The Cart Registration Fund has therefore been described as a Trust Fund for the benefit of Calcutta, Howrah, Garden Reach, South Suburban and Tollygunge Municipalities, and they share the proceeds, less expenses, in proportions fixed by Government. Carts are registered in office and not on the road. There is a register machine which records each amount paid in 3 places, one below the other, and the lowest remains within the machine. The present Cart Registration Officer introduced what he calls the system of collection on the road, and he says that to make that system permanent, he has obtained Chief Executive Officer's sanction to issue printed receipts for fees received on the road. That is to say, before this sanction, manuscript receipts were being given for carts registered on the road. He says that this system has considerably increased the revenue, and gives the following figures:—

	Rs.
1941-42	... 93,871
1942-43	... 92,221
1943-44	... 1,24,410
1944-45	... 1,44,621
1945-46	... 1,47,909
1946-47	... 1,26,744
1947-48	... 1,06,740

Despite this increase of revenue, we are surprised that nobody saw the reason of a machine register, or that anybody should have thought that for the road no register, much less a machine, was necessary.

Fire Brigade Tax.—The License Officer also collects the Fire Brigade Tax which is assessed and levied in the following manner: The Commissioner of Police prepares the annual Fire Brigade Budget. It is laid before the Corporation, and forwarded to the local Government with their remarks, when the local Government has approved the budget, and fixed the amount to be paid by the Corporation, the Corporation levy one-half of the amount, less the closing balance, if any, in the form of license fees imposed upon warehouses used for storing or pressing certain named inflammable goods. The other half of the charge is met from the general revenues of the Corporation. The license fee leviable is 10 per cent. of the annual valuation up to a maximum limit of Rs. 750 in respect of a warehouse. In calculating the annual value, a deduction is allowed equal to 10 per cent. on the outlay incurred by the assessee in respect of fire-preventing or fire extinguishing appliances. It appears that the Fire Brigade is expected to cost Rs. 5,65,300 to the general revenue of the Corporation. Sri Sudhir Chandra Roy Chowdhury complained that the city should contribute so much for the protection of the warehouses and suggested that the owners of those warehouses ought to pay more than they have been doing. It is difficult to apportion expenditure on a part of the city proportionately to its requirements, and incendiary fires have been on the increase recently all over the city.

Whoever carries on any trade or follows any calling in Calcutta ought to pay a little fee to the Corporation, and innumerable hawkers or squatters who keep no shops but sit on pavements and vend their goods ought to be more systematically assessed than they have been.

We would suggest that hawking or otherwise selling in streets would be a cognisable offence unless a license is produced or taken on payment of the fee; and that in the case of these and every other person bound to take out a trade license, omission to do so before the business is begun would

double the license fee; and distraint as well as prosecution should be open in every case.

Whoever carries on any trade or follows any calling in Calcutta ought to pay a fee to the Corporation, and innumerable hawkers or squatters who keep no shops but sit on pavements or open spaces and vend their goods ought to be more systematically assessed than they have been. If nobody can practise in a Court, for instance, without paying a fee and taking out a *Sanad* from the High Court it is difficult to see why he should be able to do so without paying the Municipal license fee and need only do so when he is caught. As to hawkers or traders whose correct names and addresses are difficult to secure or who have no fixed habitations we do not see why hawking or trading except in a shop without a license should not be a cognisable offence unless a license is taken out at the moment it is demanded. In any case distraint as well as prosecution should be opened to recover every license fee imposed by or under the Act, and not prosecutions alone as in some cases mentioned above. Above all, the thing really wanted is increased vigilance so that no traders or professional men may escape altogether or escape the correct fee by getting their business premises undervalued. There might also be a simple provision that omission to take out a license within a time-limit where it is or has been made obligatory would double the fee.

CHAPTER VIII.

Corporation Property.

The Corporation has considerable immovable properties productive of revenue in the shape of rent. We have examined how these properties have been managed, and shall record some of the results of our enquiry. This Chapter has nothing to do with public properties vested in the Corporation, such as drains, streets, squares, waterworks and all that appertains thereto. The properties with which this Chapter is concerned are lands and houses which have been, and can be let out on rent and from which the estimated annual income for 1947-48 was Rs. 3,65,200. In 1948-49 the figure was Rs. 4,13,700 and in the current year (1949-50) the estimate is Rs. 11,44,700. This property of the Corporation of the nature of private property is not much in evidence in public discussions, but the income goes into the Corporation fund, and the amount of the income is as large as that of a big zemindary.

2. The lands are scattered all over Calcutta, and also outside it such as Dhappa, Kotrung, Jadavpore, Pulta, and also one or two other places in 24-Parganas. Most of these lands, with a large exception, have been let out and many of these have been leased to charities or other institutions at nominal rents. About 6 cottas of land, for instance, have been granted to Ram Mohan Library at an annual rent of Re. 1. A term of 99 years has been granted to Sarojnalinii Dutta Memorial Institute in respect of 30 cottahs of land, being the back portion of a land in Ekdalia Road. The largest single tenant holds the skinning platform at Dhappa under a lease for 10 years at Rs. 39,600 per year. Another tenant holds a land known as Dhappa Square Mile at Rs. 38,666 per year according to an entry in the Budget Estimate for 1948-49. Another large tenant is Messrs. Hindusthan Co-operative Insurance Society, Ltd., holding a 99-year lease at Rs. 17,500 per year. It appears that for certain lands and buildings requisitioned by Government Rs. 10,423 per year has been sanctioned by Government, and the Corporation is expecting Rs. 1,00,000 in *selami* and rent to be received from Kotrung lands. These instances will indicate that the lands owned by the Corporation are valuable lands and ought to be properly managed.

3. We are unable to say that these have been properly managed. Mismanagement has led to a large loss of revenue. The following matters are enough to justify our conclusion:—

(1) *Dhappa Town Lands.*—These lands are not at Dhappa, but within the Calcutta Corporation in Palmer Bazar Road, Kulia Tangra 1st Lane, Meher Ali Lane, Hughes Road, Tiljala Musjidbari Lane, Tiljala Road, Topsia Road, Chingrighata Road. We mentioned the roads in some detail to show that these lands are not out in the jungle, but are municipal premises which are known, and by no means difficult to get at. The tenants occupy huts constructed on the land, and their total number is 116, and the annual rent roll is Rs. 8,000 including rates. On 18th February 1948, the Corporation by a resolution cancelled arrears for 1937-38 to 1940-41, aggregating Rs. 11,071-3-11 as barred by limitation. On 13th September 1948, the figure for arrear was Rs. 29,175-6-9. It is perfectly clear that the rent bills sent to the Collection Department by the Chief Valuer are not seriously collected. If the property on which these tenants occupy huts had been a zamindary and the agent employed to collect the rents had been an ordinary "gomosta", and not a public servant, every rupee barred by limitation would have come out of his salary or his security. It has been rightly observed that without constant inspection, public servants in the lower ranks do not do their duty, particularly when there is not even a reprimand for neglect of duty. It does not appear that those responsible for the recurring loss of this revenue suffered any disadvantage for these laches not even a censure from the higher officers of the Corporation.

(2) *Outfall Lands.*—The Corporation has or had certain surplus lands on either side of the drainage outfall channel that leads to the Kulti. The channel has two sections: 1 (a) The Old Outfall Channel which is from point A to Bantola and it includes what is known as Suburban S. W. Reservoir and 1 (b) the New Outfall Channel from Bantola to Kulti which is 17 miles long, and which may be referred to as New Outfall.

As to 1 (a), the Old Outfall, the facts appearing from a file in the Corporation are these—

On 20th December 1945, Sri N. R. Das, Executive Engineer, Drainage, writes to Messrs. Warthal & Co. permitting them to do experimental cultivation on a portion of the bed of the Suburban S. W. Reservoir for a period of 3 months. This permission was granted by the Chief Engineer Mr. D. N. Ganguli on the recommendation of the Executive Engineer, Drainage, Mr. Das.

On 2nd February 1946, the Outfall Engineer writes to the Executive Engineer, Drainage, that Mati Babu had circulated that he had taken possession of the whole of the Suburban Reservoir between Reflux Gate and Chowbhaga. Mati Babu is obviously M. Satick who signed for Warthal & Co., in their application for permission to do experimental cultivation. This is clear from the fact that on 24th September 1946, one Amarendra Nath Chatterjee writes to Mr. Ganguli a Bengali letter saying that Matilal Satick had got from him, Mr. Ganguli, 3 or 4 bighas of land for experiment, and asking why the land was sought to be taken back from him before the crop was ripe?

On 12th May 1947, the Outfall Engineer wrote to the Executive Engineer, Drainage, that the party was steadily increasing their activity in every direction, despite the notice of the Law Officer.

On 22nd August 1947, the Law Officer gave a notice to quit to Warthal & Co., and on 19th September 1947, their Solicitor asked, in reply, for time to complete "the experiment" and for a long lease.

What was being done was thus described in a report of the Engineer: Messrs. Warthal & Co. has recently extended the cultivation for more than a mile in the very bed and slope of the Suburban Reservoir. They had been permitted to cultivate only 3 or 4 bighas as experimental measure in December 1945, but the cultivation has since been extended by their agents or other sub-tenants. How unauthorised cultivation on so large a scale could take place before the eyes of the supervising staff, is a question upon which Executive Engineer, Drainage, was requested "to enlighten" the writer.

On 18th October 1947, there was a report that Warthal & Co. had extended the cultivation towards the west up to Point "A" in the head of the Ballygunge head-cut. The Law Officer in his letter to the Solicitor of Warthal & Co. pointed out that the permission to experiment had expired 20 months before, and that a lot of people were in possession of some 125 bighas of land and some 30 people were claiming to be in possession under Warthal & Co. It appears that the correct figure for area was 180.

On 25th February 1948, Executive Engineer (Drainage), Mr. N. R. Das, writes to Superintendent of Police and Subdivisional Officer, 24-Parganas, for assistance to turn out the trespassers whom he describes as "cultivators engaged by Bhola Babu, Mati Babu and Shyam Babu". These were clearly the Warthal & Co. In a report received by us, Mr. Das refers to these as the "bogus Company", Warthal & Co.

In December 1947, Chief Executive Officer directed Executive Engineer (Drainage), to flood the land after the harvest. This could not be done, and the cultivation continued.

On 3rd March 1948, there was a petition by Bepin Behari Haldar protesting against the proposal of flooding the land, seeing that the cultivators had been inducted on the land by Bhola Nath Ojha on receipt of "Nazar", and for rent, and that the cultivators had reclaimed the land at great cost during the past two years, and been actually cultivating it. This statement is supported by the above reports, except as to the money alleged to have been paid by the cultivators, but obviously Messrs. Warthal & Co., did not induct these people for nothing.

It is not disputed that Matilal Satick had been given permission to do some experimental cultivation on 3 bighas of land for a period of 3 months, and this person with two others, Bhola and Shyam—Messrs. Warthal & Co.—extended the cultivation for more than a mile on the very bed and slope of the Suburban S. W. Reservoir. There is little doubt that the experiment was a pretext to get a footing on the land with a view to profit. The tenants were inducted on nearly 200 bighas of land, and if they had paid a *selami* of Rs. 230 per bigha, a by-no-means improbable figure, Rs. 50,000, at least must have gone into the pockets of these people in *selami*, besides rents for 3 years. Our information is that the rate of *selami* in these parts is very high, Rs. 200 to Rs. 400 per bigha. The Outfall Engineer might well have asked the Executive Engineer (Drainage), how such unauthorised cultivation on so large a scale could take place before "the eyes of the supervising staff". It seems to us that either they grossly neglected their duty, or took a share of the profit, or got a consideration for forbearance. The Corporation, therefore, has been deprived of the profit of these lands since 1946 through the negligence or corruption of its officers whose duty it was to protect the property.

As to 1 (b), the surplus land of Kulti Outfall, this New Outfall, Bantola to Kulti, has 3 stations—(1) Bantola, (2) Bhojerhat, (3) Kulti.

The Officers-in-charge are—

- (1) Bantola—Until recently D. N. Das (0 to 4th mile).
- (2) Bhojerhat—Sri P. Neogi (5th to 11th mile).
- (3) Kulti—Sri Bhupati Banerjee (12th mile to Kulti).

The New Outfall is the S. W. Channel from Bantola to Kulti 17 miles, D. W. F. Channel not being fully excavated.

The area acquired for this Outfall Scheme was 4,938 bighas 14 cottas 0 chhataks. The surplus, not absorbed by the Scheme, is 1,869 bighas 5 cottas 12 chhataks. The area acquired is a 17-mile long strip, about 400 feet wide, generally speaking. Through this stretch of land runs the S. W. Channel. The surplus lands aforesaid are on either side of the Channel. These lands fall into three classes—(a) cultivated, (b) cultivable waste, (c) unfit for cultivation (*vide* Chief Engineer's report). Chief Engineer gives a list of the trees: Date—591, Cocoanut—330, Palm—183, Mango—16, Jack-fruit—17, and Blackberry—3.

The Chief Engineer in his report says that the cultivable area was cultivated "very sparingly"; and he specifies 8 plots as constituting the entire area cultivated, aggregate area 7 bighas. He adds that this year his department took action, and destroyed the crops grown on the plots, except the one seen by the Commissioners during the local inquiry on 8th July 1948.

As to the fruits, the Chief Engineer reports that the fruits of the trees near and within the staff quarters were "utilised by the staff", and occasionally by superior inspecting officers, which, he says, is "the usual practice" both in the Corporation and Government, a generalisation from which those who know anything about Government service would dissent.

The Chief Engineer adds in answer to our inquiry: "It is denied by the staff that any rent either in form of money or kind was paid to any Corporation Officer on the spot. It is, however, not known if the same was paid to anybody else. The fruit-bearing trees within and near about the staff quarters are usually utilised by the staff and occasionally by superior inspecting officers as is the usual practice both in the Corporation and Government. As regards other fruit-bearing trees scattered over a length of about 17 miles, the fruits are usually taken by the local people".

On this account what little land was cultivated by trespassers, and what fruits grew, were also taken by trespassers. Of the trees, the date trees are tapped for juice and juice is boiled for *gur*. The Chief Engineer says nothing on this point; assuming that his list of trees is a full list, they would yield a large profit, even if let out on *bhag*.

No inquiry has been made to ascertain the exact amount of profits from the land or of the profits from the trees. The amount must be considerable. What inquiry has been made on the spot shows that the surplus lands were cultivated on *bhag*, though the total area has not been ascertained, and it is also clear that the cultivators took the land from the local Corporation Officers and delivered to them the *bhag*. Of these officers, 2 persons have been named, namely, Pramatha Babu, Overseer, Bhojerhat, and Dwijen Ghosh, Work Sarkar. The witnesses were examined in presence of Pramatha Babu and the only thing he could suggest was that the witnesses were trespassers. The witnesses say generally that their crops were destroyed by the Corporation Officers on the ground that "an inquiry was coming". This is confirmed by Chief Engineer's report, though not the reason, but there could have been no other reason. It was impossible to hide the

cultivation, but it was thought possible to produce an appearance of a step to get rid of trespassers.

The general position would appear from the following remarks recorded by the Chairman: "I have gone through the evidence of witnesses recorded at Bhojerhat on the 8th July 1948. With the exception of Sri Asoke Kumar Das who is a lawyer, and not a local resident, all the other witnesses were villagers. Their statements were quite straightforward. Sri Asoke Kumar Das is a member of the local Congress Organisation and as such is in touch with the villagers and knows the salient facts of the subject-matter of the investigation.

"Though Pramatha Neogi, Overseer, cross-examined the witnesses, the villagers stuck to their statements which we fully believe to be true. We saw certain plots where crops were grown by the villagers, but were, according to the villagers' statement, destroyed by the Corporation staff at Bhojerhat a few days ago. The villagers said that this had been done as the Investigation Commission was about to visit the place for local inquiry. This statement by the villagers could not be refuted by Pramatha Neogi, Overseer of Bhojerhat. From the evidence of the witnesses it is quite clear that Corporation lands near Bhojerhat were cultivated by villagers with the full knowledge and connivance of the Corporation staff. The evidence also disclosed that the produce was shared by the local Corporation staff. Indeed Asoke Das even mentioned that the Outfall Engineer Mr. A. N. Banerjee had his shares and had a *gola* to collect the produce which he shifted to Kantatala some time ago. It is unbelieveable that the malpractices of his subordinate staff were unknown to the Outfall Engineer, Mr. A. N. Banerjee. In one of the representations submitted by Sri Asoke Das, is given a copy of a letter in which Dwijen Das (Work Sarkar) was asked to explain why tomatoes were allowed to be grown by cultivators on Corporation land; but what further action was taken by the Outfall Engineer is not known.

"The conclusion is, therefore, irresistible that the dishonest practice of allowing villagers to encroach on the Corporation land in this locality was allowed by the Corporation staff for the unlawful gain shared by the villagers as well as the members of the staff.

"Lastly, the Outfall Engineer, Mr. A. N. Banerjee, cannot be absolved from blame. Without going into the question at this stage as to whether he had a share in the illegal transaction, he could not have been ignorant of this malpractice going on in an area which is directly under his charge. No serious efforts appear to have been made by him to stop the irregularity."

The facts, therefore, are these—

(1) That some 200 bighas of valuable land in the Old Outfall, being a compact area, are still being cultivated by people inducted thereupon by "Warthal & Co." who entered under a permission to experiment upon 3 bighas of land. The lands are still under cultivation and attempts to eject them have failed. The profits of these lands have been taken by the said persons, Mati Babu, Bhola Babu and Shyam Babu (Warthal & Co.), and there must be a large sum, which have been lost to the Corporation for 3 years running. One estimate of the loss is Rs. 4,000 per year for 3 years plus Rs. 10,000 as *selami*.

(2) As to the cultivable lands and the trees on the New Outfall area, portions of the lands have been cultivated, and the crops and the produce of the trees have been taken away. A clue to the extent of loss is the fact that the Corporation expected a *selami* of one lakh of rupees by giving a 25 years' lease of this area. The figure

got upon the budget (1944-45). A day—16th January 1947—was fixed for an auction, and there were numerous bidders but the auction did not take place, and the matter was referred back to the Department and things have remained as they were. The suggestion in a memorandum is that the auction did not suit the Department.

We have since been informed that the said cultivators have been ejected and the lands have come into the khas possession of the Corporation.

(3) *Sewage supplied to fisheries.*—Most of the area through which the S. W. Outfall Channel runs is swamp, and contains sheets of water used as fisheries. These fisheries used to be *nona-bheries* or saline fisheries, unsuitable for carp as what water they received they received from the Bidyadhari so long as it was a tidal creek. Calcutta sewage used to be pumped into this river and taken by the owners of the fisheries on either side of the Bidyadhari in this area, called the Salt Lakes. It seems fairly clear that the sewage feeding at the fisheries by reason of which they became valuable carp fisheries began after the New Outfall Channel came into operation in about 1940. The Chief Engineer mentions four outlets from the S. W. Channel to supply sewage to the fisheries on either side. There is little doubt that there are other outlets of this kind not mentioned in the report, but used by the owners of other fisheries on either side to obtain a supply of sewage. The fisheries, by reason of such supply, have become valuable properties and a large source of supply of fish to Calcutta. It is remarkable that the fishery-owners were not required to pay a single pice for the supply of sewage although they were making enormous profits until 1946, when 22 of them came of their own accord and paid into the Corporation Treasury a total sum of Rs. 6,895 at the rate of Rs. 2.8 per bigha, alleging that the total area of these 22 fisheries was 2,758 bighas. The area must have been understated as much as possible, seeing that the areas had not been measured. One fishery, Hanakhali, shown as 400 bighas in 1946, appears as 500 bighas in 1948, and there is reason to believe that even this area is considerably less than the actual area. The said 22 fisheries were not all the fisheries receiving sewage. There were more. The reason why in 1947 and 1948 these people came and paid something for the sewage is not that an attempt was made to realise a price for the sewage supplied, but that certain local people made a complaint to the Magistrate that the supply of sewage had become a nuisance and a criminal proceeding followed. The owners of these fisheries saw their peril, and came and made the above payments to lay a foundation for title. The fact remains that the local staff were never really anxious to charge for the sewage supply but supplied it all the same, although they were not bound to do so cutting open outlets for the purpose. There is no evidence that the Corporation staff sold the sewage, but it is difficult to believe that they went out of their way to supply it as free gift until 1946. The Corporation has certainly lost a great deal of revenue on this account from 1940, and now that the matter has been brought to the notice of the Administrative Officer we find that in the budget estimate of 1949-50 Rs. 1,00,000 has been put down as the estimated income from supply of sewage to fisheries. The budget item is No. 7 and against that item there was no figure on this account before. In the revised estimates of 1948-49, the figure is Rs. 15,000, obviously suggested by the voluntary deposit in 1946. We may add that the Outfall Channel being an artificial channel the water running in that channel is Corporation property, unlike the water of a natural stream. It is not necessary to go further into that question which appears to have been raised in a certain proceeding. It is enough to say that the Corporation could sell the water, but

supplied it free. A public body has no right to be generous with property it holds as trustee.

(4) *Toll “Road Tax”.*—On 22nd December 1943, the Corporation resolution No. 889, directed that certain fees be levied for permission to use the road between the Point “A” and Bantola. The Corporation prescribed the following scale of fees:—

	Rs. a. p. per trip	Rs. a. p. per mensem
For a light lorry (up to 1½ tons) ..	0 8 0	10 0 0
For a motor car ..	0 4 0	4 0 0
For a horse-drawn carriage ..	0 3 0	3 0 0
For a rickshaw ..	0 2 0	2 0 0
For pedestrians ..	Free.	..

No collections were made, or none collected and paid into the Corporation Treasury until 23rd February 1947, on which date collection is said to have started, according to a report of Sri A. N. Banerjee in answer to an inquiry from the Government auditor.

Asked why the fees had not been collected before, Sri A. N. Banerjee writes that the fees were not collected because the road “was not completed in its entirety including bridges, culverts, etc.”, and also for delay “in appointing personnel” for collection. He had apparently forgotten his earlier report that the road from Point “A” to Bantola was completed about 1939.

The Corporation resolution of 22nd December 1943, imposing the toll was passed upon a report of the Outfall Engineer suggesting the levy. There was not the slightest indication that the resolution was in anticipation of the construction of the road; in fact, the indications are to the contrary, the object being to reduce the traffic likely to damage the road.

Between December 1943 and February 1947, either the fees were collected and not deposited into the Treasury, or the fees were not collected at all. In the former case it was a crime, in the latter case, negligence of the grossest description. In either case the Corporation sustained loss.

It is a serious matter, but it would be more serious if somebody had collected the toll and misappropriated it. On this point two facts are significant. One of them is the explanation that the road had not been completed before 1947. Another fact is that on 29th February 1948, the E. & G. P. Committee was considering a report on the necessity of controlling the traffic on the Bantola-Kulti road. The report said that the traffic over this road (Dr. B. N. Dey Road) had become very heavy and must be reduced, if the road was to be saved, and a higher scale of fees was proposed. The auditor enquired why in view of this the collection of toll was so little, even if it had begun on 21st March 1947, as reported by the Outfall Engineer despite the resolution of 1943. The answer of the Outfall Engineer was that resolution of 1943 related to the road between Point “A” to Bantola and not the road between Bantola to Kulti, which is odd seeing that heavy traffic on one road would mean equally heavy traffic on the other.

We are glad to find that Rs. 10,000 is in the budget estimate of 1949-50 under a new head “Road Tax in Item 22”.

(5) *Dhobikhana.*—The principal tenant of the Dhobikhana is Bengal Steam Laundry which is in possession since 1939 under a lease from 17th April 1919 to 17th April 1939. The rent under the lease was Rs. 199.7 per year and annas 3 per 1,000 gallons of water—a rate liable to be enhanced

at the discretion of the Chief Executive Officer after 3 years. The rate was actually increased to annas 6 in October 1934. The lease comprised also a steam plant. This lessee was always in arrear, withholding payment on the plea that the meter for calculating the water charges was defective. Mr. Gurner pointed out this case in his report in 1943, how the lessee was heavily in arrear, there was a suit for arrears for nearly Rs. 14,000 and there was a resolution to eject him. The suit was compromised in 1943 by reducing the water charge from annas 6 to annas 3 and reducing the total demand at the reduced rate by Rs. 536-13. The reduced demand was satisfied up to 31st August 1940. From September 1940 to August 1944, rent and water charges were accepted from him, the former at the old rate and the latter at the reduced rate of annas 3 per 1,000 gallons, although it had transpired in 1944 that he had been holding an excess area over what had been demised in 1935. Then occurred a resolution offering this undesirable tenant another term of 10 years at an increased rent of Rs. 250 plus both shares of the rates and annas 6 per 1,000 gallons as water charge with a direction that he should account for the missing parts of the steam plant. The lease has not yet been executed, and the tenant is holding on and has not paid water charges from January 1945, nor the rates from 1944-45 and the Chief Law Officer reports that the owner's share cannot be recovered as the lease has not been executed. This case is an indication of the kind of management that has been going on like the other specific instances we have mentioned.

(6) *Lease of land in municipal markets.*—A certain person, Monoranjan Bose, a relation of Sri M. K. Mazumdar, a Councillor, applied on 9th December 1946, for a lease of a plot of land in the Lansdowne Market. The area of the plot was 3 cottahs 9 chhataks 6 square feet. He agreed to pay Re. 1-4 per cottah as daily rent. The Market Superintendent recommended the lease except for a slight deduction from the area apparently to keep a manhole out of the demise, and Sri B. Mukherjee, Deputy Executive Officer, recorded his approval thereto. On the same day the intending lessee made another application to the same Deputy Executive Officer (II), offering to pay "reasonable rent". On this application Sri Mukherjee fixed Rs. 50 per month as the rent. The Market Superintendent pointed out that this figure was less than what the applicant had agreed to pay on the same day, but Sri Mukherjee would not change his order. The matter is now pending before the Administrative Officer. We asked Sri B. Mukherjee for an explanation of the transaction, and he mentioned two reasons why he fixed the lower rent than the lessee had agreed to pay. One of them is that the lessee was going to start a "machine shop" to fabricate water purifiers and he, Sri Mukherjee, thought the venture might benefit the Corporation; he admits, however, that the Councillor Mr. M. K. Mazumdar saw him when the application was presented, and he might have been influenced by Sri Mazumdar. He adds that he could not remember whether the later application was about the same land as the earlier, but he remembers that the earlier one was put up before him by the Market Superintendent. The transaction hardly needs any comment. A person in the position of a Deputy Executive Officer thought nothing of sacrificing the interests of the Corporation to please a Councillor.

(7) *Gariahata Market.*—In the Gariahata Market, the Public Utilities and Markets Committee recommended a lease of 9 cottahs 10 chhataks of land to a person for a term of 40 years for a premium of Rs. 75,000. The lessee was permitted to construct a five-storied building thereupon and to let out portions of the buildings to strangers. On 13th September 1947

the Corporation confirmed the resolution. The Corporation holds the land of Gariahata Market under a lease granted by the Calcutta Improvement Trust, and this lease forbids sub-letting on pain of forfeiture. Fortunately the Improvement Trust has objected.

(8) Similarly, in the College Street Market the Corporation agreed in September 1948, that certain Banks, three in number, might construct 8 stalls to be let out to them at certain rents, and the parties deposited Rs. 20,000 for the cost of construction within a certain time-limit. One of the Banks was authorised to construct. Nothing has been done yet except that the contractor collected some building materials, and put up some steel columns and drew a little over Rs. 10,000 for what he had done. The time-limit fixed by the Corporation has passed.

(9) *Dhappa Square Miles.*—Originally it was a marshy land of little value, and was taken on lease by Sri M. N. Sen, a Councillor, for a nominal rent. Its actual area would be about 1½ square miles, but the leasehold is known as the Dhappa Square Mile. The land is ill-defined, but appears in a map, and its actual area is said to be 1½ square miles which is equivalent to 2,904 bighas. The actual area is reported to be 2,890 bighas. The last lease under which the Sens held the land is dated 29th July 1909, for a term of 22 years from 1st April 1908. It expired at the end of March 1930 and the term appears to have been extended up to 31st December 1930. Though the terms had expired, the lessee would not quit so that the Corporation sued him in ejection. He pleaded occupancy-right, on the strength of an entry in the records-of-rights that he was an occupancy tenant. The Court decided against that status, and by a decree, dated 17th June 1935, directed ejection. The lessee appealed. On 23rd March 1936, the Corporation sanctioned a compromise on certain terms. One term was that the finding as to the status should be confirmed, and in accordance with that compromise a decree was passed on 12th June 1936. Thirteen years have passed, but no fresh lease has yet been executed, though there was a Corporation resolution granting a fresh lease on a progressive rent rising from Rs. 20,000 to begin with, annually increasing by Rs. 500 per annum. We found a draft lease on the file and the term purporting to be granted was 30 years commencing on 1st April 1936. The tenancy, according to the draft lease, would be a service tenure with full right to enjoy the land including the waters for fishery, but subject to the duty of unloading all refuse wagons of the Corporation and subject to certain reservations. The lease has not yet been executed, as we said, which is no credit to the management, and it does not appear that when the figure for rent was fixed, any account was taken of the assets of the land, or any endeavour made to ascertain its profits. The area is extremely fertile, suitable in parts for fishery, and suitable, of course, for cultivation, which last has been stated to be one of the purposes of the tenancy, despite the peril of occupancy right recorded by the Revenue Officer and negatived by the Court. That it is described as a service tenure might not avoid that danger particularly as the draft lease, where it is so described, has not been executed, and, in the meantime, rent is being accepted.

(10) The Commission received a memorandum from Sri S. C. Bose about the way the Corporation has been dealing with a public square, namely, the Woodburn Park. It appears that a sporting club called the South Club had put up wooden galleries on a part of the Park and had deposited also surkis and a lot of other debris. The object of the club was to construct tennis courts and a club pavilion. It also appears that the Club had constructed two small unauthorised buildings. In March 1940, the Corporation passed

a resolution granting, subject to the approval of the Government, a lease of 10 bighas 14 chhataks 10 square feet of land for 25 years at a rent of Rs. 1,000 per year and both shares of the consolidated rates for using the area as a tennis court or courts and for "similar sports". The total area of the square is 19 bighas 16 cottahs. Sri Bose complained that more than half of the square would go into the proposed lease and the general public would be deprived of the full benefit of the square, as they will have a limited right of access to the area demised. The matter was before the Administrative Officer on 16th July 1948. There is no doubt whatever that squares or open spaces so necessary for ventilation and recreation in a congested city like Calcutta should never be allowed to be built upon, and in this case the Administrative Officer would doubtless judge whether the sporting rights proposed to be granted would cause public inconvenience even though they do not *prima facie* interfere with recreation or ventilation, and in a case of this kind the public convenience would doubtless rule, but even this must give way if there is disfigurement of a beautiful spot. We have since ascertained that a lease excluding certain portion of the area originally proposed to be demised has been executed.

(11) Public duty is performed by public servants and their efficiency depends upon two things. One is a sense of public duty created by character and education. The other is fear of punishment of which one form is reduction or removal. Even censure of a superior officer goes a great way. In the case of the Corporation itself there is no question that the second factor does not exist, and everything depends upon the public spirit of the Councillors. We have pointed out in this chapter and in other chapters the degree to which they carried their indifference to the interests of the city. We should like to mention one small matter which on this point is extremely significant. A certain person owning a house in Bosepara Lane found it convenient to encroach upon a portion of the road for his gate. It reduced the width of the road at that point from 7 feet to 5 feet, so that it became difficult for carriages to get into the Lane, and caused great inconvenience to people occupying property higher up the Lane. In 1936, the matter was brought to the notice of the Corporation. In 1943, the Road and Bustee Committee directed by resolution the issue of a notice for removal of the encroachment. In 1941, a proposal of the party to buy the land encroached upon was rejected. In 1943, the same Committee recommended by resolution that the area encroached upon, a little over one chittak, should be sold to the party for Rs. 2,000 per cottah. This was confirmed by the Corporation and the following resolution, dated 13th September 1944, may be quoted:—

"That in view of the fact that the party deposited the consideration money after the sale was confirmed by the Corporation and also in view of the previous resolution of the Corporation, dated the 31st March 1943, confirming the sale of the land encroached upon by the owner of premises No. 42/B, Bosepara Lane, by constructing a gate-pillar and a boundary wall to the extent of 1½ chittacks approximately to the owner of the premises, at Rs. 2,000 per cottah, the following recommendation of the Roads and Bustees Standing Committee, dated 27th March 1944, viz.—

"That under section 306 of the Act, the portion of the road land, measuring about 1½ chittacks encroached upon by the owner of No. 42/B, Bosepara Lane, and sold to him, be closed to the public" be confirmed.

A person aggrieved by the reduction of the width of the road moved the High Court without success,

and Government, also moved, informed the complainant on 24th February 1948, that there was no case for interference by Government. The petition upon which this order was passed was, however, forwarded to the Commission by Government. The Commission can do nothing except citing the case as an instance of the way in which the interests of the public were sacrificed to those of an individual who had defied the law. Section 306 entitles the Corporation to close a public street or a part of it. After it is closed, it may sell it. The powers are there all right, and it is needless for us to consider the effect of the sale which took place before the section of the road was closed. It is enough to say that powers in sections 306 and 307 must be exercised in good faith, and to abuse them is not to exercise them, and could not sustain the act. The sale to a person who had obstructed the road, although under section 300 the Corporation had full power to remove any obstruction on the road without recourse to court, and after a resolution refusing to sell speaks for itself.

The above instances are enough to show the general position. The Corporation properties are being mismanaged with the result that proper rents have not been fixed. Of those fixed, considerable portions are not realised, and get barred by limitation causing no resentment to anybody in charge and large profits from land that lay in the *khas* possession of the Corporation have been misappropriated with the knowledge and connivance of the Corporation staff, and important sources of revenue such as the sale of sewage or the levy of toll at Bantola were ignored or turned into sources of profit to the staff.

CHAPTER IX.

Health Department.

Most of the health services rendered by the Corporation of Calcutta go, as they ought, to what is called environmental hygiene. They are intended to prevent disease, not to cure it. Disease, once established, requires treatment, and for that there are general practitioners, public hospitals, private hospitals, outdoor and indoor. The Corporation runs 19 free dispensaries, and one hospital with 12 beds. It is obvious that as a remedial medical service, these do not go a great way. Modern diagnosis and treatment often require expensive apparatus, and laboratories, and it is a question whether the municipality should undertake remedial medicine at all, and that of an indifferent sort so long as there are free hospitals and clinics, and whether it should go beyond making grants to such institutions, as they have been doing.

2. Public health depends upon numerous factors, and these include some with which a local body has little concern. Personal cleanliness, for instance, or a certain amount of income, or knowledge of the laws of Hygiene have a bearing on health, but no health organisation keeps in view, except indirectly, the economic cause of disease. It is generally concerned with certain specific matters having a direct bearing on Public Health, so far as it could be achieved by preventing the occurrence of preventable diseases. That is to say, the health services of the Corporation are, generally speaking, sanitation, inspection of food and drug, meat inspection, disinfection, *bustee*-cleansing, vaccination and revaccination, milk kitchens for children. For the purpose of these services, Calcutta has been divided into 4 districts, District I to District IV, and to these must be added Cossipore and Chitpore, the added areas. Each of these districts is in charge of a District Health Officer, and the District Health Officers are

under the supervision of the Health Officer of the Corporation of Calcutta. There are certain sections of the department which are directly under the Health Officer himself. These are: (i) The laboratory and its branches, (ii) Mosquito Control Department, (iii) Animal Vaccine Depot, and its attached laboratory, (iv) Charitable Dispensaries, (v) Maternity Homes and Units, (vi) Central Disinfecting Station, (vii) Motor Ambulance Department, (viii) Tangra Slaughter-House and Live-Stock Yard, (ix) Registration of Births and Deaths, (x) Precautions against Epidemic. Under each District Health Officer are Sanitary Officers, Food and Drug Inspectors, Disinfecting Inspectors, Bustee Cleansing Inspectors and the Sub-Registrars of Burning Ghats, and Burial Grounds, and the Crematorium where these occur.

In Appendix XXV will be found a chart, showing the organisation of the Health Department.

3. Apart from these direct health services, there are certain others only a little less direct, but equally important, water-supply, regulated building, drainage, scavenging, control over unhealthy trades and over factories, are also necessary for public health, and in all these matters, appertaining to technical departments, the Health Officers have a voice, so that the general conditions of good health may be secured. The arrangements are suggested by the causation of disease, so far as it is known. In plain English, the object is to secure pure air, pure water, pure food, good drains, clean streets and houses, reduction of the peril from dangerous trades and providing some open spaces for exercise or play.

The administration of the department will be judged by the extent to which these objects have been achieved.

4. The Health Department is not responsible for unauthorised buildings suffered to spring up, interfering with ventilation or light. It is not responsible for scarcity of filtered water. It is responsible if the filtered water supplied to the public contains germs which are not detected, or if the air is contaminated by disease for neglect of disinfection. The Health Department is responsible if there is filth anywhere, more than could be helped, particularly in markets, or eating houses, and in public places. It is also responsible if food unfit for consumption, or adulterated, is sold with impunity, and it is responsible if a dangerous disease like cholera, plague or small-pox spreads and becomes an epidemic. Sufficiency of food, ability to buy it, reasonable wage for work, provisions for rest or paid holidays, and treatment of disease are matters for the State. It is the duty of the Corporation to prevent epidemics, but the State comes to its aid when an epidemic acquires serious proportions.

5. As stated before, the organisation of Health Services is by the district, and the principal Health Services in every district are those performed (1) by Food Inspectors and (2) Sanitary Officers including the Assistant Sanitary Officers. The duty of the Food Inspector is to prevent sale of adulterated food and drugs, as also food not adulterated, but unwholesome or unfit for human consumption. The duty of Sanitary Inspectors is to enforce sanitary measures, generally speaking, as required by the Calcutta Municipal Act. Some of the powers will indicate the duties and are in Chapter XXVI of the Act. These are inspection and regulation of certain premises, abatement of overcrowding, and of nuisance generally, regulation of factories, trades and places of public resort. Assistant Sanitary Officers are, generally speaking, in charge of disinfection work. It is their duty to investigate dangerous diseases and to arrange prophylactic measures including removal to hospital, supervision of vaccination and inoculation during an epidemic. The Food Inspectors, Sanitary Officers and Assistant Sanitary Officers work under the District Health Officer and are

subject to his supervision. They may be described as the backbone of the Health Services of the districts.

Food Inspections.

6. The ordinary articles of food going into the composition of meals, are meat, fish, eggs, rice, flour, atta, ghee, butter, sweets, mustard oil, milk and milk products, besides vegetables like potatoes, brinjals, patals, pumpkins, etc. So far as meat, fish and eggs are concerned, there is no question of adulteration, but the Food Inspectors have power to destroy them if they are rotten or unfit for human consumption. As to articles like ghee, butter, sweets, mustard oil and milk, they can be proved adulterated only by analysis, and the Food Inspectors can compel sale of samples to them in order that they may send them to the Corporation Laboratory for analysis and report. Upon adverse report a prosecution is generally ordered. Each Food Inspector, in his area, is supposed to go about, and to seize and destroy rotten food and to procure samples of what is suspected to be adulterated food with a view to analysis and prosecution.

7. We have looked into the diaries of certain Food Inspectors, or into extracts from their diaries and have been able to form a general idea of what they have been doing, and how they have been performing their duties, and we are clearly of opinion that they have been playing with the thing, and doing nothing that could make any impression on adulteration of food, and drugs. In order that one may see through an appearance of work to the utter futility of food and drug inspection supposed to be carried on in Calcutta, the facts may be stated a little fully. There are 29 Food Inspectors in Calcutta distributed as follows:—

District No. I	... 7
District No. II	... 6
District No. III	... 6
District No. IV	... 6
Cossipore	... 2
Maniktola	... 2

8. There was a circular issued on 28th May 1936 requiring every Food Inspector to collect 30 samples a month, but in 1945 the present Health Officer issued a circular modifying the same and laying down a revised Schedule of samples. The revised Schedule of samples is as follows:—

Samples to be collected by each Food Inspector every month.

Ghee and sweets	... 5
Butter	... 2
Mustard oil	... 10
Wheat products (flour, atta, etc.)	... 10
Drugs	... 4
Miscellaneous	... 2
Milk and milk products	... 10
Total	... 43

For Food Inspector, Sealdah Area.

Milk samples	... 20
Ghee and sweets	... 4
Mustard oil	... 3
Drugs	... 2
Wheat and wheat products	... 10

“Each Food Inspector to draw up every fortnight a list showing the date of collection and Food Inspector's sample No. and send that through the respective District Health Officer to Laboratory. The Chief Analyst will report on that list in respect of all samples, whether good or bad, within a fortnight on receipt of Food Inspector's list.”

9. In point of fact most of the Food Inspectors are not aware of this circular, and have been generally collecting 30 samples a month. They say that that is what is required by the order, and the Sample Registers which they have kept confirm the old rule, and not the modified rule, so that it may be taken that each of the Food Inspectors has, generally, collected 30 samples a month or one sample a day. Now a Food Inspector has sometimes as many as 4 markets within his jurisdiction, besides numerous shops and numerous hawkers outside the markets, and one wonders where he chooses his single sample from, and whether that particular sample could be held in terrorem over his area, assuming it led to prosecution. In point of fact the Sample Registers show that only a small percentage of 30 samples sent is analysed and as against the rest, results of analysis are not noted, the column "result" being blank. The explanation given is that blank means good, that is to say, the samples against which no result is noted, are samples of pure unadulterated food. In May 1948, Food Inspector Dr. Daud sent 30 samples to the laboratory and against two only the result noted is "adulterated". Against the rest the column was blank, and on the day of his examination he put down the word "good" in each of the blanks as though *all the samples were good* and only two bad. If that was so, the true position would seem to be that Dr. Daud is an adept in securing "good" samples, and anybody who lives in Calcutta knows that out of the articles of which he had taken the samples it would be hard to find a single one in Calcutta that is not adulterated.

10. We think we ought to reproduce here the list of samples aforesaid to bring out the absurdity of the explanation given.

"Analyst, please supply the analysis report of the following samples of foodstuffs sent to you for analysis in May 1948:—

Date of collection.	Nature of samples.	F. I. No.	Lab. No.	Result of analysis.
11-5-48 ..	Milk ..	58	965	Good.
Do. ..	Milk (boiled)	59	966	Good.
Do. ..	Dahi ..	60	967	Good.
Do. ..	Mustard oil	61	968	Good.
12-5-48 ..	Milk ..	62	981	Good.
Do. ..	Butter ..	63	982	Adult.
Do. ..	Ditto ..	64	983	Good.
Do. ..	Mustard oil	65	984	Good.
15-5-48 ..	Milk ..	66	1092	Adult.
Do. ..	Barley (Ind. Purity)	67	1093	Good.
Do. ..	Glycerine (New Bengal Drug).	68	1094	Good.
17-5-48 ..	Mustard oil	69	1142	Good.
Do. ..	Barley (energy)	70	1143	Good.
Do. ..	Mustard oil	71	1144	Good.
Do. ..	Butter (salted)	72	1145	Good.
18-5-48 ..	Mustard oil	73	1180	Good.
Do. ..	Neemki (in ghee)	74	1181	Good.
Do. ..	Milk (boiled)	75	1182	Good.
Do. ..	Ghee ..	76	1183	Good.
22-5-48 ..	Milk ..	77	1339	Good.
Do. ..	Mustard oil	78	1340	Good.
Do. ..	Ghee ..	79	1341	Good.
26-5-48 ..	Mustard oil (Gour Mill)	80	1493	Good.
Do. ..	Milk ..	81	1494	Good.
Do. ..	Butter ..	82	1495	Good.
Do. ..	Ditto ..	83	1496	Good.
Do. ..	Tomato Juice	84	1497	Good.
29-5-48 ..	Milk ..	85	1576	Good.
Do. ..	Mustard Oil	86	1577	Good.
Do. ..	Butter (salted)	87	1578	Good.

(Sd.) S. M. Daud, F.I.-8,
1-6-1948."

Another list of Dr. Daud, dated 7th May 1948, is this:—

Date of collection.	Nature of samples.	F. I. No.	Lab. No.	Result of analysis.
3-4-48 ..	Mustard oil	..	36	37 Good.
Do. ..	Ditto	..	37	38 Good.
Do. ..	Ghee ..	..	38	39 Good.
5-4-48 ..	Milk ..	..	39	67 Adult.
Do. ..	Dahi ..	..	40	68 Good.
Do. ..	Mustard oil	..	41	69 Adult.
12-4-48 ..	Dahi ..	..	42	303 Good.
Do. ..	Milk ..	..	43	(decomposed).
Do. ..	Mustard oil	..	44	304 Good.
Do. ..	Ditto	..	45	305 Good.
Do. ..	Ditto	..	46	306 Good.
17-4-48 ..	Ditto	..	47	405 Good.
Do. ..	Ditto	..	48	406 Adult.
Do. ..	Milk (boiled)	..	49	407 Good.
Do. ..	Milk ..	..	50	408 Good.
22-4-48 ..	Milk (boiled)	..	51	408 Good.
Do. ..	Groundnut oil	..	52	617 N. P.
Do. ..	Mustard oil	..	53	618 Adult.
26-4-48 ..	Barley (Ind. Purity) ..	..	54	677 Good.
Do. ..	Dahi ..	..	55	678 Good.
Do. ..	Mustard oil	..	56	679 Good.
Do. ..	Ditto	..	57	680 Good.

(Sd.) S. M. Daud, F.I.-8,
7-5-1948."

Dr. Daud says that he got this list on 30th August 1948 after the Commission's inquiry on this point began.

11. Upon our inquiry the Health Officer in his letter No. H/1763, dated 2nd September 1948, says that the Analyst's reports on samples found to be "good" are not sent at all, unless the Food Inspectors send a statement of samples collected by them, and he points to a circular requiring Food Inspectors to send fortnightly lists of samples collected to the laboratory, and upon receipt of these lists, it becomes the duty of the Chief Analyst to report on all samples, good or bad, within a fortnight from the date of the receipt of the lists. Now Dr. Daud got his list for April and May, 1948 on 30th August 1948 and the explanation is that these lists had got mislaid in the laboratory.

12. The explanation is an explanation apparently given by the Laboratory to the Health Officer, and what altogether displaces it is that on this theory Dr. Daud had been collecting only samples of good things, mistaking them for bad, though everybody knows that unadulterated mustard oil, or ghee, or dahi or barely, is extremely rare in Calcutta. It cannot be said that Dr. Daud, despite his experience, has an eye for good things alone. What is happening in his case has happened in every other case we had occasion to notice. In his letter No. H/1763, dated 2nd September 1948, the Health Officer says: "I am showing below the number of samples found adulterated out of the samples received from Dr. H. N. Mukherjee during the period from January 1948 to August 1948—

Months.	No. of samples received.	No. of samples found adulterated.
January ..	31	8
February ..	30	2
March ..	30	1
April ..	30	4
May ..	30	3
June ..	30	4
July ..	30	3
August ..	38	2 out of the samples examined so far.

The analysis report in all cases of adulteration has already been sent to District Health Officer, District I, in due time'. In his letter No. H/1761, dated 2nd September 1948, the Health Officer says: "I would inform you that from the report of the Chief Analyst it appears that 27 samples, and not 30 samples as stated in your letter were received at the Laboratory from Dr. S. C. Ghose during the month of July 1948. Out of these 27 samples, 13 and not 11 were found to be adulterated and the results were duly sent to the District Health Officer, District IV.

"In August 1948, 23 samples and not 21 were received at the Laboratory from the said Food Inspector up to 24th August. Out of the samples examined so far two samples were found adulterated and the reports of these 2 cases have also been sent to the District Health Officer.

"Only reports of samples found adulterated are put up in printed form and are sent to District Health Officers with Health Officer's order for prosecution thereon. Reports of samples found good are not furnished by the Laboratory to the District Health Officers unless the Food Inspectors send to the Laboratory fortnightly statements of samples collected for getting the results of all samples sent during the fortnight in question. As far back as 1945 a circular was issued to the District Health Officers to the following effect:—

"Each Food Inspector will draw up every fortnight a list showing the date of collection, and Food Inspector's sample No. and send that through respective District Health Officers to the Laboratory.

"The Chief Analyst will report on that list in respect of all samples whether good or bad within a fortnight on receipt of Food Inspector's list".

"A copy of the circular is put up herewith.

"Due to the disturbed condition prevailing in the city, the Food Inspectors could not follow all the instructions issued to them. With the return of conditions to normality I have issued another circular recently asking the Food Inspectors to strictly follow the directions. A copy of this circular is also put up".

13. Circulars are all right, but it is perfectly clear that they were not only not obeyed, but not known. More than one Food Inspector said that the rule required them to send 30 samples, and the Sample Registers confirm this belief. They were supposed to work under the supervision of the District Health Officer, and the District Health Officer has put his signature under the entries in their diaries, not every day, but from time to time, and it did not occur to him that they were sending about 30 samples a month consistently. Even 43 samples a month do not go to the point in substance, particularly if the samples sent to the Laboratory are not analysed at all, and the omissions are covered by the case, now made, that these samples are "good". We have pointed out the percentage of samples not analysed in the case of the certain Food Inspectors already named, but it has happened in every case. Food Inspector, Dr. Sunil Chandra Biswas, sent 30 samples in June 1948 and only 14 were apparently analysed. Dr. S. S. Sinha sent 33 samples in July and got report on 4. He sent 35 samples in August and up to 26th August 1948 he had got report on none. Dr. S. Dutta sent 14 samples in April 1948 and got report on two, and in February 1948 he had sent 31 samples, and got reports on 5. He sent 35 samples in June and the result column is blank in each case; 31 samples in July and the result is noted only in 3 cases. Dr. S. N. Mitra sent 20 samples in April 1948, and the result of analysis was noted on 2 cases, and in May 1948, 3 cases were reported on out of 26.

14. It appears to us to be a very serious matter; one sample a day from hundreds of shops within the area of each Food Inspector and that sample is generally "good". If blank in the result column means "good" it must mean either that the Food Inspectors deliberately select unadulterated food in about 75 per cent. of cases, and send the samples to the laboratory; or the laboratory analyses and reports on the samples they choose, and leave the rest unanalysed. Of the two possible explanations we consider the first improbable as Food Inspectors cannot find so many good things even if they were minded to do so, and it is extremely unlikely the Food Inspectors who are experienced officers would miss what is bad and select what is good in about 75 per cent. of cases, if not more.

15. There is little doubt that it is the Laboratory which omitted to analyse most of the samples either because of indolence, or because of some "tadbir" in the Laboratory. In any case, except for a few big cases which we shall immediately mention, there is no effective food inspection at all. In a statement signed by the Health Officer on 24th July 1948 the Health Officer writes: "In respect of the most of the Food Inspectors percentage of samples found adulterated is very low. This is not to be expected in view of the fact that adulteration of the food articles is more or less a rule now-a-days, and samples are collected by Food Inspectors who are presumed to have some experience and who have been expected to exercise due care in collecting samples, and not merely to make up the total number of samples that are to be drawn, but try to find out cases of adulteration, as many as possible. Again, if the statements regarding samples of ghee, mustard oil and milk are scrutinized, the same thing will be evident, viz., the directions contained in the circular regarding number of such samples are not followed and again percentage of adulteration is very low." Food adulteration is so extensively practised in Calcutta that it may be said without exaggeration that except in one or two shops whose prices deter every day, there is hardly any shop in Calcutta where one can get pure ghee, pure butter or any of the other articles of which samples purport to have been taken, and to expect to check such adulteration by one sample a day and by analysing about 25 per cent. or less of the 30 samples a month, is really to play with the thing, and this is what has been happening. As to milk, it is not possible to get unadulterated milk exposed for sale in the bazar, or in the street, and yet the Laboratory did not analyse samples of milk sent by Dr. Daud in most cases and hid the omission by calling the samples "good". Although no business in milk can be done in Calcutta except under license granted after inspection of the dairy, Milk is sold everywhere in Calcutta in streets, lanes, and dirty huts and a regular mart for sale of milk sits at the Sealdah Bazar. Some milk vendors purport to have been prosecuted, too few to touch even the fringe of the problem, and most of these few escape conviction because the Food Inspector-in-charge says that they give false names and address, and cannot be served with summons, so that such prosecution does not inspire much confidence and might be only make-believe. One Food Inspector made a slip and described the Sealdah Market as a "prize post" for a Food Inspector. It can have no meaning except the very obvious meaning that it is profitable to an Inspector. Food inspection is necessary, but it is no use keeping it only with the purpose of putting money into the pockets of municipal officers.

16. We saw very little of drug inspection, very little of prosecution for short weights, and one Food Inspector said that he could not take samples of drugs as samples of drugs are expensive and great delay occurs in passing his bills.

17. On 23rd June 1948 a Food Inspector discovered 285 cases of tinned tomato juice stored at

38, Panditia Road. He suspected them to be unfit for consumption, and sent 23 tins to the Laboratory for analysis and report. This Food Inspector was examined on 24th August 1948 and said that he had not yet received the result of the analysis. The Health Officer, on our inquiry, wrote to us to say that chemical analysis in this case required "special apparatus" which had to be purchased so that analysis could not be completed until 25th August 1948. That may be an explanation, but it shows that the Laboratory had not the equipment for an ordinary chemical analysis of the kind required. In a recent case Food Inspector Dr. Das Gupta seized a lot of tins of jam, and another Food Inspector seized another lot. These two lots led to two prosecutions which led to conviction. Six tins were sent to the Corporation Laboratory, and six to the Government Analyst for analysis. The Government Analyst sent his result in time, but the Corporation Analyst did not send any result after analysis, but deposed to certain external marks on the tins, or what was called physical examination, and this, it was contended, was enough to sustain the charge. The Assistant Analyst was recommended for a reward "for the success of the prosecution" "not for his report for the examination of the stuff, but for the pains he took in finding out the reference and authority quotation in support of the prosecution" (Health Officer's letter No. H-1973, dated 16th September 1948.) It may be added that the seizure of the tins was due to a telegram received from Delhi, and not to the alertness of the Food Inspector, and if analysis was necessary for conviction that was done by an officer of Government. In some cases unwholesome food or drug is seized, and destroyed with the consent of the owner. For instance, in July 1948, 20,427 tins of Andrews Liver Salt, and in August 1948, 88 dozen tins of Assorted Tomato were destroyed, and a certificate of destruction was given by Dr. Chanda, a Food Inspector, and countersigned by the District Health Officer, District No. II, Dr. J. P. Chaudhury. One wonders whether the destruction had actually taken place, looking to what happened in a case dealt with by the Corporation, and by one of its Special Committees. On or about 17th May 1945 the Administrative Officer, Civil Affairs, Burma, sent 237 cases of butter, each containing 60 lbs. to Dr. J. P. Chaudhury, the District Health Officer, District II, for destruction. Of these, 35 cases vanished while they were in the custody of the District Health Officer. This was discovered by the Chief Executive Officer during an inspection on 15th August 1945, and the matter was put up before the Service Committee. The Service Committee called for an explanation from the said District Health Officer. In October 1946 the District Health Officer Dr. Chaudhury submitted an explanation to the Service Committee stating that "only a few cases have been damaged, and as to the rest, he thought that the butter in them could be converted into ghee", but as the Chief Executive Officer and the Health Officer would not agree to this proposal, he ordered the destruction of "all". In fact 35 cases had disappeared and as to the rest it is to be noted that the "order for destruction" was carried out. The Service Committee recorded its resolution, on 6th March 1947 that the Health Officer had not done "his normal duty". On 25th June 1947 the Corporation confirmed its finding. We are informed that the matter is before the Administrative Officer, but could not ascertain the result of his enquiry, though we had written for it. The position, therefore, is this: In May 1945 the butter was sent for destruction. There is a note that it was destroyed on 30th May 1948 except for 35 cases which had vanished, 35 cases contained 2,100 lbs. of butter. We merely narrate the facts, and cannot obviously record or suggest any definite conclusion on the point, except that the delay of 3 years in destroying the goods seems to us to be odd, and we have doubts that the cases which purport to have been destroyed went the

same way as the 35 cases, which had vanished. Food, noted in other cases as "destroyed" with consent, was perhaps released for a consideration.

18. One small fact, relatively speaking, we might mention. Various stallholders in Municipal Markets were convicted for selling adulterated food. They continue to retain their stalls with the exception of one. There is a monstrous lack of determination to enforce the food regulations. Adulterated food, drug, and milk are sold everywhere. It is sought to be prevented by apparently seizing one sample a day from each area, containing hundreds of shops, forming the jurisdiction of a Food Inspector, and of the samples so collected, most are not analysed, and do not lead to prosecution. The milk regulations requiring, among other things, a license to sell milk, and inspection of the dairies from which the milk comes are a dead letter. In London cholera was literally abolished by the introduction of the filtered water. In Calcutta it continues because of the unfiltered water and of impure milk which is so dangerous in Calcutta that it has been said that what is almost an ideal food, and a necessary food for children ought to cease to be an article of food altogether. We do not say that food inspection is not necessary. It is of the utmost importance but not the kind of food inspection that goes on; which achieves nothing except possibly some opportunity to evil-disposed Food Inspectors to make money.

19. *Laboratory*.—The Central Laboratory has three sections: (1) Central, (2) Pulta, (3) Milk Laboratory at Hogg Market. The Pulta Laboratory does the weekly routine chemical examination of the river water and filtered water. It has also a bacteriological section. Central Laboratory analyses the food samples collected by Food Inspectors. In 1947-48, it analysed 5,056 samples out of which 1,135 were found adulterated. According to the figures, the percentage of adulteration was 22.44. We have shown above that this or similar percentage is misleading, as the rest of the samples were probably not examined at all, looking to the facts we have already stated. The Laboratory has a bacteriological section for daily examination of water samples specially collected from infected houses. Samples of water from boats carrying filtered water to ships are also examined twice a month, and the result communicated to the Port Authorities. Inoculations against typhoid, cholera, diphtheria, tetanus and plague are given in the Laboratory and also in private houses free of cost. The Laboratory examines also specimens of blood, sputum, urine and stool for poor people recommended by Councillors and doctors, and also such specimens sent from charitable dispensaries. All this is said to be the work of the Laboratory, and analysis of food samples is certainly a principal part of its duty. That duty has not been duly performed, and we have come to that conclusion on the grounds we have already stated. Analysis of things like milk, ghee and butter takes, we are told very little time, a few minutes in fact, and there are eight Assistant Analysts to analyse food and one to analyse drugs, and they have to deal with, on the average, 29 samples a day received from 29 Food Inspectors, yet the results are received by the Food Inspectors long after the samples are sent in, generally speaking, with the result that prosecutions are often defeated, or rendered difficult, and in cases where food articles in bulk have to be seized, Food Inspectors hesitate to do so as the delay by the Laboratory in sending the result of analysis subjects them to needless risk. In one case the Health Officer admitted that the Laboratory had no equipment for chemical examination necessary in testing preserved fruit and the special apparatus had to be purchased before the examination could be made after a delay of about 2 months. Lastly, there does not appear any provision for checking the results in the Laboratory where these are favourable to a large trader.

20. Proceedings in Court in food case are very much protracted with the result that the offenders often could not be traced. In milk cases, for instance, the prosecution breaks down as the vendors cannot be traced. Hawkers of food are hardly touched as prosecution fails on that ground. The punishment, as a rule, is inadequate, and does not exceed the profit of the offence.

21. *Suggested improvement.*—Food Inspectors should be transferred, periodically, and all efforts to prevent transfer should be unsuccessful. No outsider should be allowed to get into the Laboratory. Adulteration can be checked by three agencies, the Food Inspectors, the Laboratory, and Magistrates particularly the first two. Food Inspectors should collect adequate number of samples, and Laboratory must analyse every one of them, and if nearly 80 per cent. of these collected turn out to be "good" in a city like Calcutta where pure food of the kind collected is a rarity, there should be an instant inquiry to find out the cause. Owners of private markets ought to be required to eject stall-holders convicted of selling or exposing for sale adulterated food, and certainly in no municipal market such a person should retain his stall for a day. In every market there ought to be standard weights, so that short weights may be readily checked, and some responsibility for short weights in a market ought to be thrown on the owner of the market. Restaurant and eating houses require special treatment. For these a special license has to be taken from the municipality under section 390, and no person can keep a tea-shop or an eating house of any kind without complying with the terms of the license. The Corporation may cancel the license if its terms are not complied with, but it has no power to close the shop, but can only prosecute, if an unlicensed eating house is kept, but the prosecution leads only to a fine and there is no power to close the place. This power ought to be given.

22. *Sanitary Officers.*—There are 5 Sanitary Officers in District No. I, 4 in District No. II, 5 in District No. III, 4 in District No. IV, and 1 in Cossipore. These officers are all qualified doctors. Their salary is on a scale of Rs. 220 to Rs. 350 which is the maximum. They are not allowed to do private practice. Their duties have been thus set forth by the Health Officer:—

(1) They have to attend to sanitary complaints and to interview complainants and parties.

(2) They have to inspect and report on sanitary conditions of buildings, privies, drains, court-yards, open lands, cattle-sheds, stables, cow-houses, grog shops, etc.

(3) They have to take action regarding insanitary buildings.

(4) They have to inspect markets and bazaars—general sanitary conditions, removal of obstructions and congestions, definition of limits and provision of passages and approaches, etc.

(5) They have to deal with offensive trades and control them by recommending or refusing license.

(6) They have to deal with workshop, factories, mills, etc., under section 385.

(7) They have to take action regarding tanks, marshy lands, wells and tube-wells.

(8) They have to deal with plans regarding privy, building, house-drainage, tube-wells, urinals, septic tanks, etc.

(9) They have to deal with general sanitary condition of theatres, cinema houses, and other places of amusement.

(10) They have to issue notices under various Health sections and take out summonses, when necessary, to serve summonses and warrants of arrest forwarded by the Court, and sometimes to realise the amount of fine by distress warrants forwarded by the Court.

(11) They have to conduct the Court cases by attending one day in a week.

(12) They have to inspect and report on the consolidated list of licenses under sections 386 and 396.

(13) They have to inspect and report on permission cases under section 385.

(14) They have to attend Building Committee and Demolition Committee and other Committees when necessary.

(15) They have to report on the matters raised in questions in Committees and Corporation Meetings.

(16) They have to deal with applications for Hospital grants.

(17) They have to supply various Returns when called for.

(18) They have to attend office every alternate day in the afternoon.

(19) They have to do clerical work, e.g., writing of notices, summonses, reports, etc.

(20) They have to answer the queries of the License Department as well as the Government Audit with regard to the Licenses under section 386.

23. Each of these officers is responsible for proper sanitation of his area, and has to take measures permitted or required by the Act to remove insanitary condition and nuisance. Food inspection is not their duty nor, curiously speaking, any *bustee* inspection. For *bustees* there are *bustee*-cleansing inspectors to whom we shall presently refer. Generally speaking, the powers and duties of Sanitary Officers are in connection with inspection and regulation of premises and of factories, of trades and places of public resort. Their duties, as set forth above, are comprehensive enough, and how far they are properly done can be judged only by the results visible to the eye. Nobody who has entered a private market will say that these duties are performed with regard to these markets. The conditions in these markets are extremely insanitary. There is filth everywhere, vendors sometimes sit on bare ground selling vegetables, and the like. In the evening rotten fish is more in evidence than fish fit for consumption. That, however, may be the fault of Food Inspectors, but what about the latrines in private markets? They are always unclean, and emit bad stench at all hours of the day. Fish and vegetables are washed in unfiltered water. In short, in private markets there is hardly any evidence of any action taken by Sanitary Officers to secure any degree of cleanliness. It may be said, therefore, that with regard to private markets, Sanitary Officers do not do their duty. Requisition to take order with such markets, to lay them out properly, and to pave and drain them has not been issued except spasmodically though there is ample power to enforce such requisition as disobedience may lead to daily fines.

24. We may turn next to another nuisance very much in vogue in Calcutta. It is the *khatals* or sheds in which cattle are kept without license. Prosecution for keeping such *khatals* does sometimes take place, but the fines imposed do not seem to make any difference to them. Cattle are kept in *khatals* for doing business in milk, or for carts hired out for transport of goods in Calcutta. Most of these *khatals*, at any rate, the *khatals* of milch cows and buffaloes are unlicensed, and they steer clear of all regulations intended to secure sanitation of dairies, or purity of milk supply in Calcutta. Our enquiry shows that the Corporation is practically helpless to do anything in the matter. Prosecutions under section 386(1)(c) is pretty common. In fact, one

Sanitary Officer, Dr. D. C. Mitra, was lavish in prosecution under section 386(1)(c), but these prosecutions are apparently of no avail, and the *khatalas* continue to be kept in breach of the rules, and milk continues to be sold equally in breach of the rules, and with apparently greater impunity. To mention one among numerous instances, the *khatal* at 113/1, Bowbazar Street, seems to be one of the worst. Prosecution was instituted some time before May 1949, but nothing has happened to the *khatal* even in the middle of September 1949. Section 388 of the Calcutta Municipal Act entitles a Magistrate after a conviction under section 386(1) to forbid the use of the premises concerned, if it continues to be a nuisance, but it does not appear that this section has been much used, or has done any good. Power to impound the cattle is necessary. It is doubtful that section 535 will permit impounding of the cattle in a *khatal* when it is a nuisance.

25. Leaving aside *bustees*, nuisance of all kinds is so much in evidence in Calcutta that it reflects little credit on the Corporation and its sanitary officers that such nuisance continues. Refuse is thrown on streets at all hours of the day. Horrible stench from some of the surface drains continues. Since the sudden large additions to the population after Partition, streets are often used in certain quarters for purposes of nature, flushing arrangements in privies have gone out of order in many houses, and the overcrowding itself in a house of that kind is a source of disease, and no Sanitary Officer has ever used section 383 of the Calcutta Municipal Act to ascertain the degree of overcrowding in a house. The state of things is worse than the habits of people would account for. One nuisance of which complaint has been made is noise caused by scrap-iron sellers. They use no power, but in the northern quarter of the town there are many residential quarters in which they are carrying on their noisy trade and no action has been taken against them. Noisy trade in residential area ought to be forbidden. People must put up with a certain amount of noise and discomfort in a town, but not to the extent they do, nor with noise of a nerve-racking kind produced by the crank of metal not dulled to the ear by the uniformity of a machine. Some action appears to have been taken against unlicensed workshops and factories.

26. Assistant Sanitary Officers perform a very important part of the health services of the Corporation of Calcutta. Leaving aside certain miscellaneous minor duties, their principal duty is to take measures with a view to restrain infection. They enquire into the causes of death, locate infectious and dangerous diseases, and take measures to arrest infection. They would sometimes remove infectious cases to hospitals, supervise vaccination work, arrange for inoculation against cholera, typhoid and plague, and supervise disinfections. They inspect the Corporation kitchen centres regularly, and inquire into applications for maternity help, and for free cremation. There are 3 to 4 Assistant Sanitary Inspectors in each of the districts, but in Cossipore, an added area, there is only one Assistant Sanitary Inspector and none in Maniktola though in Maniktola during a cholera epidemic the mortality rate is very high.

27. *Mosquito Control*.—The Mosquito Control Department is a fairly large department with an Entomologist at the head. There are 6 Mosquito Inspectors, all doctors, each in charge of a district, Cossipore and Maniktola being treated as 2 distinct districts in addition to the 4 districts of Calcutta. There are 38 Mosquito Sub-Inspectors. Each Mosquito Sub-Inspector is given 6 to 12 coolies to do the cleansing, and oiling necessary, and there are 100 sarkars for house to house inspection. The department costs nearly 2½ lakhs of rupees. The incidence of malaria in Calcutta is not indicated by the figure 1,364 out of 45,310

deaths in 1947-48. That it is slight (.02 per cent.) cannot be put forward as a ground for abolishing the department as the department might take credit for keeping it down. It is worthy of note that one duty of the Entomologist is to examine children in Corporation Schools to ascertain the incidence of malaria among small children living, generally speaking, in insanitary quarters. That duty has not been performed since 1935-36. We do not know whether it is a regular duty, but it was certainly thought necessary once, and we do not know why it is not being performed by the Entomologist whose other duties do not appear to be heavy.

28. *Maternity Homes and Maternity Units*.—There are 4 Maternity Homes, each in charge of a qualified lady doctor, and there are 7 Maternity Units and in each Unit there are some nurses who go about to find out cases of expectant mothers and give them advice. They have to conduct delivery sometimes at their houses. On the figures the Homes must be doing good work. In 1947-48 the total number of births registered was 32,938. The total number of inmates admitted in Maternity Homes was 9,810. The total number of births at Homes and Maternity Units was 11,938. The figures for 1948-49 for births, and births at Homes and Units were 42,244 and 14,213, respectively.

29. We think we might give the following figures showing the diseases prevalent in Calcutta as an index to its general health:—

Diseases.	1947-48.	Percentage of total deaths.
Cholera ..	1,770	3·91
Small-pox ..	4,341	11·77
Measles ..	257	0·56
Plague ..	1	0·00
C. S. Meningitis ..	145	0·33
Malaria ..	1,364	3·02
Kala-a-zar ..	333	0·74
Influenza ..	91	0·19
Enteric Fever ..	1,500	3·30
Other fevers ..	2,167	4·79
Dysentery and Diarrhoea ..	4,018	9·03
Pulmonary T. B. ..	2,790	6·14
T. B. (other form) ..	362	0·79
Respiratory Diseases ..	6,824	15·09
Injuries ..	1,444	3·16
All other causes ..	16,840	37·18
Total ..	45,247	

Of the preventable diseases malaria would seem to have been controlled. The figures for cholera and small-pox are high, and Health Authorities are agreed that these two diseases, as also typhoid fever, can be prevented, or reduced, by certain general precautions. "The battle against disease", says Sir Arthur S. MacNalty, K.C.B., "is no longer solely a question between doctor and patient. The great results achieved by environmental hygiene are proof of this."

"It is unnecessary to expatiate upon the successful result of these sanitary measures based, it is important to note on clinical observation—an epidemiological investigation made by State Medical Officers—on medical research and confirmed, in most cases, at a later date by discovery in bacteriology. Suffice it to say that water-borne diseases have become negligible; cholera has been abolished in this country, and typhoid fever now is a comparative rarity. Personal cleanliness and lessened overcrowding has stamped out typhus."

India is a large country, but Calcutta is a city having its local government, and its health services are carried out within manageable limits. It cannot be said that what Sir Arthur says is utopian, particularly, what he says about water-borne diseases. As an index to the general health of Calcutta it may be mentioned that the infantile mortality per 1,000 was 291·5 in 1947-48 and the general death rate was 21·49.

30. The Health Officer has furnished to us an account of what is done to prevent or to arrest epidemics. Figures for deaths are daily collected from burning or burial grounds, and cards noting the deaths and their cause are delivered to the District Officers early next morning. In the district office the Disinfection Inspector picks out the infectious cases, and arranges for disinfection of the places and effects infected by the disease. This is easy to verify, and such disinfection does take place. The next thing that is done is that the cards are passed on to the Assistant Sanitary Officers, each getting those relating to his area. He enquires into these cases, and arranges for preventive measures like vaccination and inoculation. Extra hands are taken for vaccination and inoculation when there is an apprehension of an epidemic of small-pox and cholera. If an epidemic does break out, the staff is further reinforced, and the Inoculation Officer and the Vaccinator have to share the work. Extra staff is added to the Ambulance Service also. In this connection the Health Officer says that during an epidemic "the sharp distinctions in the use of Ambulance for infectious and those for non-infectious cases cannot be maintained" and he hastens to add that an Ambulance car after it fetches an infectious case is disinfected. He puts it thus: "Arrangements exist for thorough disinfection of Ambulance after transfer of each infectious case." This will not allay public anxiety.

31. Infectious cases are taken to hospital if the patients or their people ask for hospital treatment. The Corporation has no infectious disease hospital of its own, but the Corporation arranges for treatment of infectious cases at various hospitals in Calcutta, and makes suitable grants to these hospitals for these services. The Corporation has, by this arrangement, at its disposal 120 beds for small-pox, 24 beds for cerebro-spinal meningitis, and 109 beds for cholera. If more become necessary more beds are hired at Rs. 3 per bed per diem. The total cost on this account was Rs. 27,006 for small-pox, and Rs. 82,653 for cholera in 1948-49. The Health Officer, therefore, is very strongly of opinion that the Corporation ought to have an infectious diseases hospital of its own, so that the treatment might be uniform, and the beds might be under greater control. He informs us, however, that a few years ago Government informed the Corporation that they were going to start a Government Infectious Hospital for the city as well as the riparian municipalities. It is said that Government has already acquired a plot of land in the Beliaghata Main Road for the purpose. That being so, the matter might well be left to Provincial Government. We hope it is realised that it is as much the duty of the Health Department to ask for more hospitals or more beds in hospitals as to reduce their number or need.

32. On this ground we are not in favour of the suggestion of the Health Officer that the Corporation should do more for remedial medicine than it has been doing. The Corporation keeps 14 dispensaries for free outdoor treatment, and one hospital at Kidderpore. As we said before, public health functions are more concerned with preventive medicine in its widest sense than with remedial medicine which requires diagnosis and treatment. For these last there are the Government hospitals and private hospitals, and nursing homes, and of course the private practitioners. The Corporation makes a large contribution to private hospitals and dispensaries which treat and cure diseases, and its further contribution to remedial medicines is that it maintains 14 dispensaries as mentioned before, and a single hospital. There are 12 beds in this hospital and the Resident Medical Officer is a qualified doctor whose pay is Rs. 100 per month.

There is, we believe, a visiting surgeon also, but as to equipment, there is not even an X-ray apparatus. Diagnosis and treatment require special knowledge and special equipment sometimes of great value. We do not propose of course that the dispensaries which already exist should be abolished, but we do not think that further addition should be made thereto as the Health Officer recommends. The Corporation should devote its services to the prevention of the disease rather than its cure, and it cannot be said that so far as prevention is concerned the Corporation has done its utmost.

33. *Grants to Hospitals and Dispensaries.*—It is important, however, that what contribution the Corporation makes to private hospitals and dispensaries should be made to really useful and effective institutions and not to those having high sounding names, but doing no real work. We have, therefore, gone a little into these grants and the practice followed in giving them. By resolution No. 1866, dated the 13th March 1940, the Corporation on the recommendation of the Public Health Committee, confirmed the following rules and conditions for regulating grants to hospitals and dispensaries:—

Resolution No. 1866.

That the following rules and conditions regulating grants to hospitals, dispensaries, etc., be adopted in place of the existing rules in modification of the previous resolution of this Committee, dated the 5th October 1939:—

1. In giving a grant to an institution, with outdoor and indoor departments, more emphasis is to be laid on the provision of indoor beds. In an institution which has only an outdoor department, careful scrutiny should be made of the total number of patients treated every year, and a grant of a lump sum be made to meet the cost of the department.

2. No recurring grant be made to any institution exceeding half the amount of the audited expenditure of that institution during the previous year.

3. In view of the fact that the average cost of maintaining an indoor patient in a hospital amounts to Rs. 500 per year, the total contribution to the hospital conducted on the Allopathic, Ayurvedic and the Unani systems, should not be more than Rs. 250 for each bed, which remains occupied for 365 days in the year, provided that for Tuberculosis beds, for beds for infectious diseases and maternity cases, the grant may be at the rate of Rs. 300 per bed. For a Homeopathic Hospital the grant should not exceed Rs. 150 per bed.

4. No institution should be paid any contribution above Rs. 1,000 unless they submit an account of their income and expenditure of the previous year audited by a qualified auditor.

5. Every institution receiving a grant shall ordinarily be registered under the Charitable Societies' Act of 1860 or any other similar Act and must have a Committee in which the management will vest and on which the Corporation should have proper representation.

6. No institution receiving a capital grant in a year will be given a capital grant again within the next three years.

7. All institutions receiving a grant from the Corporation should fill up the return forms correctly and submit them in time for scrutiny.

8. All hospitals maintaining infectious beds should notify admissions of cases of infectious diseases to the District Health Officer within 48 hours of such admission.

9. Hospitals receiving a Corporation grant should make provision for admitting emergency cases of the type for which the hospital is established.

10. Institutions receiving grants from the Corporation should give facilities for proper periodical inspections by the Health Officer and remedy the defects pointed out during such inspections, and abide by such general instructions as may be issued from time to time by the Health Department and give such information regarding vacant beds as may be required by the Health Officer.

11. The cost of medicines used or purchased by the institutions receiving grants should approximate to the prevailing market prices for such medicines.

12. Besides the above—

(a) Special grants may be made to hospitals having the following special outdoor departments:—

Mental Clinic.

Children's Clinic (Baby Clinic).

T. B. Clinic.

Venereal Department.

Leprosy.

(b) Special grants may be made to hospitals having—

(i) Research Department.

(ii) X'ray.

(iii) Radium.

(iv) Tuberculosis Ward.

(v) Wards for Infectious Diseases, e.g., Small-pox, Cholera, Diphtheria, Meningitis.

(vi) Mental Diseases.

(vii) Incurable Diseases.

(c) Special grant may be made to hospitals for training nurses, compounders, ladies in home nursing and First-Aid, Lady Health Visitors.

13. That a certain number of additional paying beds for infectious cases should be opened in the hospitals of Calcutta during the epidemic period to cope with the rush of patients seeking admission in hospitals.

14. Hospitals receiving Corporation grants should, in cases of non-admittance of any patient, give their reasons for doing so on the tickets.

The statement below shows the amount which the Corporation sanctioned as grants to hospitals and dispensaries during the last six years. It will appear from the statement that in some cases grants were made on the motion of Councillors without any application from the institutions concerned and without the recommendation of the Health Officer:—

Year.	Total amount recommended by Health Officer.	Total amount recommended by Public Health Committee.	Total amount sanctioned by Corporation.	Amount sanctioned by Corporation without application by institution or institutions.	Amount sanctioned by Corporation exceeding the recommendation of the Committee.	Amount sanctioned by the Corporation without the recommendation of the Health Officer or Public Health Committee.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1943-44	5,70,186	5,72,539	5,72,539	Nil	Nil
1944-45	6,83,200	6,83,466	6,83,466	Nil	Nil
1945-46	6,79,146	6,85,796	6,88,296	6,200	2,500
1946-47	6,84,546	6,68,946	6,91,946	2,800	23,000
1947-48	6,91,000	6,91,850	6,91,850 (By A. O.)	Nil	Nil
1948-49	6,78,980	..	6,87,755 (By A. O.)	Nil	Nil

A statutory grant of Rs. 7,000 for Gobra Leper Hospital has been included in the grants for the years noted above as recommended by Health Officer, Public Health Committee and the Corporation.

The Health Officer's recommendations have invariably been on the generous side having regard to the fact that the Councillors were either interested in the institutions or were prone to be generous to them and were not, generally speaking, disposed to receive adverse criticism regarding the purpose and management of these institutions. In recommending grants he had usually relied upon the audited accounts furnished by these institutions without going into the details of expenditure or the justification of the same. It was in very rare instances, when there was something radically wrong, that the Health Officer felt the necessity of opposing any application for grant.

Grants sanctioned on the motion of Councillors without any application from the institution or institutions concerned, grants sanctioned exceeding the recommendation of the Public Health Committee or grants sanctioned outside the recommendation of the Health Officer can be presumed to have been in contravention of safeguards and restrictions imposed by the Corporation resolution No. 1866, dated the 13th March 1940.

In 1945-46 the Health Officer received 71 applications from the various hospitals and dispensaries for grants and the subject came up for consideration of the Public Health Committee on the 15th March 1946. The institutions from which applications for grants were received were classified as follows:—

Allopathic	..	38
Homeopathic	..	23
Ayurvedic	..	9
Unani	..	1

Added to these, 3 institutions had Allopathic, Homeopathic and Ayurvedic Departments combined, 1 had Allopathic and Homeopathic Departments combined and 1 had both Ayurvedic and Allopathic Departments combined.

The Health Officer had recommended a total grant of Rs. 6,79,146 for the various institutions.

The Public Health Committee while disapproving the sanction of any grant to the School of Tropical Medicine in view of the

financial stringency of the Corporation and deciding on the postponement of any grant to the Calcutta Medical School and Hospital until fulfilment of certain conditions, recommended reduction of the grant to the Maharaja Cossimbazar Govinda Sundari Ayurvedic College and Hospital from Rs. 9,000 to Rs. 2,500 on account of its unsatisfactory state, recommended increased grants to the following institutions and also included the following 8 other institutions from which no applications had been received:—

Names of institutions in whose cases increased grants were made.

	Rs.
(i) Ashtanga Ayurvedic Vidyalya—	
For the main hospital	25,000
For the T. B. Hospital at Pattiipukur	21,750
(ii) Kiranshashi Sebayatan (T. B. Clinic)	7,500
(iii) City Dental College and Hospital	1,000
(iv) Islamia Hospital	20,000
(v) Free Unani Nesaria Dawakhana	275
(vi) Ramkrishna Hariakha Hospital	8,000
(vii) Ramkrishna Mission Sishumangal Pratibhan	14,000
(viii) Kankurgachi Institute	200
(ix) Anjuman Imdadia Surah Charitable Dispensary	150

Names of institutions from which no applications had been received.

(i) Ayesha Khatun Charitable Dispensary and Child Welfare Centre	500
(ii) Charitable Homeopathic Dispensary Sammilan Brahma Samaj, Bhowanipore	500
(iii) Champatula Seva Samity	500
(iv) Vivekananda Hospital	500
(v) Asharam Bhianiwala Hospital	2,500
(vi) Agragami	500
(vii) Brati Sangha	500
(viii) Ballygunge Institute	500

Discussions at the Corporation meeting, dated 28th March 1946, elicited that the Public Health Committee had included the last named eight institutions for grants on the motion of Councillors and behind the back of the Health Officer.

On the motion of a Councillor the Corporation decided to override the recommendation of the Public Health Committee by sanctioning a grant of Rs. 5,000 instead of Rs. 2,500 (as recommended by the Committee) for the Maharaja Cossimbazar Govinda Sundari Ayurvedic College and Hospital. A certain influential Councillor gave the assurance that that institution was on the way to reconditioning itself.

1946-47.

The proceedings of the Public Health Committee at its meeting held on 28th March 1947 show that there was no improvement to the Maharaja Cossimbazar Govinda Sundari Ayurvedic College and Hospital.

Dr. B. N. Mondal said "the work of this institution was very unsatisfactory and the grant should be drastically reduced."

The Committee agreed to reduce the grant to Rs. 1,000 from Rs. 5,000 of the previous year.

Re: Shyamadas Baidya Sastra Pith, Dr. M. N. Sarkar said: "This hospital has been lying practically empty. Of course due to disturbances in that locality attendance may have fallen, but still the inspecting members are definitely of opinion that the institution did not deserve the large amount of grant sanctioned for the last year.

The Committee decided to reduce the grant to Rs. 10,000 from Rs. 20,000.

Re: The Indian Institute for medical research, Dr. B. N. Mondal observed: "This institution is engaged in research and prepares and sells medicines. I do not see why the Corporation should pay any grant to this institution".

The Committee decided to reduce the grant to Rs. 250 from Rs. 2,000 of the previous year.

In 1946-47 the Health Officer received 80 applications from hospitals and dispensaries for Corporation grants. Of them, 41 were Allopathic, 23 Homeopathic, 9 Ayurvedic and 1 Unani, 3 Allopathic, Homeopathic and Ayurvedic combined, 2 Allopathic and Homeopathic combined and 1 Allopathic and Ayurvedic combined.

The total grant recommended by the Health Officer amounted to Rs. 6,84,546.

The Corporation sanctioned grants to 82 institutions, i.e., to 2 more institutions than were recommended by the Health Officer or the Public Health Committee and from which no applications had been received, but were included on the motion of certain Councillors.

The Public Health Committee had recommended reduced grants to the following institutions in view of the unsatisfactory reports received in respect of them:—

- (1) Viswanath Ayurvedic Mahavidyalaya Hospital (No. 2) from Rs. 16,000 to Rs. 7,000.
- (2) Govinda Sundari Ayurvedic College and Hospital (No. 9) from Rs. 5,000 to Rs. 1,000.
- (3) Shyamadas Baidya Sastrapith (No. 13) from Rs. 20,000 to Rs. 10,000.
- (4) Indian Institute for Medical Research (No. 38) from Rs. 2,000 to Rs. 250.

The Corporation, however, on 11th June 1947 restored the grants to Nos. (1), (2) and (3) as Rs. 16,000, Rs. 5,000 and Rs. 20,000, respectively.

The way in which the Corporation restored the grants disregarding the recommendations of the Public Health Committee will be seen from the proceedings of the Corporation meeting, dated 11th June 1947.

It will be further seen how at that stage one new institution was included for a grant.

The Corporation also resolved that the amount necessary to meet the excess expenditure over the budget provision in this connection be appropriated from the closing balance.

Extract from Corporation Proceedings, dated 11th June 1947.

Councillor Mr. G. B. Sett tabled a motion and moved (1) that the resolution of the Public Health Committee regarding grant to Shyamadas Baidya Sastra Pith and Biswanath Ayurveda Vidyalya be rescinded and reconsidered and (2) that the Charitable Dispensary at 11, Balaram Dey Street, Simla Seva Samity, be included for a grant.

Councillor Mr. J. C. Ghose moved that the resolution of the Public Health Committee regarding grant to Biswanath Ayurveda Vidyalya be rescinded and reconsidered.

Councillor Dr. S. K. Basu moved an amendment that (i) Biswanath Ayurveda Vidyalya, (ii) Maharaja Cossimbazar Govinda Sundari Ayurveda College and Hospital, and (iii) Shyamadas Baidya Sastra Pith be given the same grants as last year, viz., Rs. 16,000, Rs. 5,000 and Rs. 20,000, respectively, the reasons advanced being that these institutions had incurred expenditure in the expectation that grants on the same scale as last year would be granted by the Corporation and that if such grants were reduced the institutions would be put to difficulty.

In that way the amendment as moved by Dr. S. K. Basu to the original motion based on the recommendation of the Public Health Committee was put to vote and declared carried.

The total grant amounting to Rs. 6,59,446 as recommended by the Public Health Committee was increased by the Corporation to Rs. 6,89,446.

1947-48.

In 1947-48 the Health Officer received 74 applications from hospitals and dispensaries for grants from the Corporation. Seventy-four of these hospitals and dispensaries were classified as follows:—

Allopathic	...	38
Homeopathic	...	22
Ayurvedic	...	7
Unani	...	1
Combined Allopathic and Homeopathic and Ayurvedic	...	3
Combined Allopathic and Homeopathic	...	2
Combined Allopathic and Ayurvedic	...	1
	—	74

The total grant recommended by the Health Officer amounted to Rs. 6,91,000 only as against Rs. 6,91,946 of the previous year.

The Public Health Committee recommended Rs. 6,91,850 to the different hospitals and dispensaries at its meeting held on 19th March 1948 and the Administrative Officer sanctioned the amount as recommended by the Committee.

1948-49.

Seventy-eight applications were received by the Health Officer for grant to hospitals and dispensaries for the year 1948-49. The institutions applying for grant were classified as follows:—

Allopathic	...	43
Homeopathic	...	21
Ayurvedic	...	7
Unani	...	1
Combined Allopathic, Homeopathic and Ayurvedic	...	3
Combined Allopathic and Homeopathic	...	2
Combined Allopathic and Homeopathic	...	1
	—	78

To the resolution No. 1866, dated 13th March 1940, the Corporation on 11th June 1947, added one more condition of grant to the effect that institutions having maternity beds should maintain a Birth Register to the satisfaction of the Health Officer.

The Administrative Officer on 15th September 1948 decided that Allopathic Institutions should be inspected by the Indian Medical Association (Calcutta Branch) and requested that Association to report as to whether the institutions which received Corporation grants were managed satisfactorily and deserved such grant or not. The Indian Medical Association in their report regretted their pre-occupation with their conference in December 1948 which prevented them from having the necessary time at their disposal to go round and inspect the institutions receiving grants from the Corporation, but observed: "From our enquiries and inspection, so far carried out, we find that although many of the institutions did not come up to the mark, according to the minimum standard of scientific requirements or of medical or nursing efficiency and offer enough scope for improvement, they are doing their best with the poor resources at their disposal. In many instances essential equipments and urgent measures of sanitation are lacking due to shortage of funds. Efficiency in service also suffers due to poor standard of pay to the medical nursing and auxiliary staff." The Association further observed that a comprehensive and planned scheme of medical service for Calcutta should replace the existing

unsatisfactory conditions and it was necessary to determine how the present institutions should fit into such a scheme. The Association also expressed their willingness to continue the enquiry regarding the conditions of the hospitals and suggest lines of improvement or reform with a detailed plan for comprehensive medical aid and health services for Calcutta, should the Corporation so desired and sufficient time was allowed.

The Health Officer recommended Rs. 6,78,980 as grants from the Corporation for 1948-49. He was more critical in his reports on the various institutions this year than on any previous year, presumably because in 1948-49 he was free from any fear complex after the supersession of the Corporation.

The Health Officer was asked by the Administrative Officer to particularly inspect the following institutions:—

- (1) Swarnamayee Promoda Sundari Ayurvedic Charitable Dispensary.
- (2) Calcutta Ayurveda Sabha.
- (3) Sri Vishudhananda Saraswati Databya Oushadhalay.
- (4) Ambica Charitable Dispensary.

The report of the Health Officer was as follows:—

"As desired by you, I inspected the undermentioned institutions. My inspection report is given against each:—

Serial No. (4) Swarnamoyee Promoda Sundari Ayurvedic Charitable Dispensary, 14, Sovabazar Street.—The Dispensary was found closed at 8-45 a.m. though the Board showed working hours to be from 7 to 9 a.m. On enquiry from persons around, it was found that the dispensary was not opened on that day at all. Some of the neighbours also stated that the dispensary opens very irregularly.

Serial No. (6) Calcutta Ayurvedic Sabha.—They have 7 Dispensaries of which the following 6 were inspected (first four by me):—

- (i) One at 1/6, Grey Street. I inspected this on the 20th instant at 8-30 a.m. The person who was present at the dispensary stated that the Kaviraj was not attending the dispensary for a month. He, the so-called compounder, was managing the work of the dispensary. The Register showed a constant figure of 19 patients for considerable number of days. There was no entry on the date of my inspection, i.e., on 20th instant. No patient was found there at the time of my inspection.
- (ii) At 373, Chitpore Road. I inspected it on 20th instant between 9 and 9-15 a.m. The dispensary is situated on the bye-lane. The occupants of a number of shop rooms on road side could not give any information regarding the location of this dispensary. I had to find it out with the help of the Caretaker of the building. One gentleman was in charge. He was the so-called compounder who stated that the Kaviraj was not attending the dispensary for nearly a month. No patient was found on the day of my inspection. There was no entry of any patient on that particular day up to 9-15 a.m. Last entry in the patients' register was of nearly a month old.
- (iii) At 118, Kalighat Road. I inspected on 21st instant. The dispensary was shifted for sometime to 118, Kalighat Road, in the same house where the Kaviraj lives. This dispensary consisted only of 2 benches and an almirah containing a few phials of Ayurvedic medicines placed on one side of

the verandah. No patient was found at the time of inspection. There was no entry of any patient attending on that date, though on the previous days the number of patients varied from 3 to 6. In those cases also the addresses of patients attending the dispensary are shown by the name of the street only without giving the premises number.

- (iv) At P. 49, Gangadhar Banerjee Lane, Kidderpore. I inspected it on 21st instant between 9 and 9-15 a.m. The dispensary was found locked. On enquiry from persons found there, it transpired that the dispensary opened very infrequently and very few patients did attend.
- (v) The Centre at 21, Ultadanga Main Road. This was inspected by the Health Officer, Maniktola, on 21st instant at 9-10 a.m. His report is as follows:—

"Entries on the date of inspection: 5 new patients and 11 old patients. No patient was found at the time of inspection.

Entries in the patients' register for previous days were:—

13-6-49—15 old and 3 new.

14-6-49—13 old and 5 new.

15-6-49—16 old and 1 new.

16-6-49—15 old and 3 new.

17-6-49—13 old and 4 new.

18-6-49—15 old and 3 new.

19-6-49—Sunday closed.

20-6-49—15 old and 3 new."

- (vi) The Centre at 8/2, Narkeldanga Main Road. This was also inspected by the Health Officer, Maniktola, on 21st June 1949, at 8-55 a.m. His report is as follows:—

"I went there at 8-30 a.m. and waited till 8-55 a.m. But the dispensary was found closed. On local enquiry it was learnt that the Dispensary is opened every day but there is no certainty when it will be opened and also learnt that about 2 or 3 patients attend there daily. No other information could be procured and so I left the dispensary."

Serial No. 15 Sree Bishudhananda Sasaswati Databya Oushadhalaya, 37, Burtolla Street.—This is a big dispensary (outdoor) consisting of Allopathic, Ayurvedic and Homeo Departments. The work is satisfactory.

Serial No. 17 Ambika Charitable Dispensary, 14, Kalakar Street.—I inspected this on 20th instant at about 9-30 a.m. At the time of my inspection no patient was present there. The patients' register showed a constant figure of 48 patients for a considerable number of days. The date in the patient's register which is supposed to be entries of the day of my inspection was given as 19th May 1949. On my mentioning that this is the sixth month and not the 5th, I was told by the Kaviraj that it was a mistake. On turning over the pages I found that this was going on for days and months. Then when I pointed out that the date was 30th and not 19th, it was also explained to be a mistake."

The Administrative Officer sanctioned a total grant of Rs. 6,87,755 to hospitals and dispensaries for the year 1948-49.

Defects pointed out in the reports of inspection by members of General Council and State Faculty of Ayurvedic Medicine, Bengal—

Jamini Bhusan Astanga Ayurved College.

Date of inspection.—18th May 1946.

Defects pointed out.—(1) Want of hostel accommodation for students. Number of students in Pure Ayurved Tirtha Course 1st year—11. No student in the 2nd, 3rd, 4th and 5th year classes.

Ayurved Tirtha M.A.S.F. course—1st year—13. No student in 2nd, 3rd, 4th or 5th year classes.

Baidya Siramani M.A.S.F. course—1st year—1; 2nd year—17; 3rd year—6; 4th year—3; 5th year—10.

(2) No herbarium.

(3) Museum not properly arranged.

(4) Library meagrely stocked with books. Not a single book purchased throughout the whole of the year 1358 B.S.

(5) No Laboratory really for practical classes for Physics, Chemistry and Botany.

(6) The inspecting officers deplored the want of any endeavour to grow medicinal plants in spite of the institution having a spacious compound with the result that "Many students appearing in the Faculty Examination are unable to identify even a common leaf as *Basak pata* or distinguish between *Kalamegh* and *Ulatkambal*. It is essential that students who will go out as practitioners in Ayurved should know and be able to identify the different kinds of herbs and leaves (green and dry) with which they would prepare their medicine."

(7) The inspectors observed that "many students at the time of examination are found to be unable to distinguish between *Harital* and *Manasilla*. Various metallic ingredients are believed to be rife in the market and the students must be well informed so as to be able to distinguish them.

(8) The place where medicines are prepared requires improvement; should be cleaner and more hygienic.

(9) The inspectors doubted if all the teachers attended regularly.

(10) It was regretted that the teaching staff did not make any contribution in the way of any thesis or text-books on Ayurved.

Shyamadas Baidya Shastrapith.

Received a gift of 2 bighas of land from the Corporation which also gave a lump grant of Rs. 30,000 besides recurring annual grant of Rs. 20,000.

Inspected by members of the State Faculty of the Ayurvedic Medicine on the 9th February 1949. It appears from the inspection report that the authorities of the institution had stopped admission of new students from a year before and only two students were on the roll of the Ayurved Tirth Department and one on the M.A.S.F. Department.

Defects noticed—(1) No Laboratory essential for M.A.S.F. teaching.

(2) Expenditure on account of medicine for patients per capita inordinately high—it being Rs. 12,506 for the year for a daily attendance of 199 patients whereas the total cost of medicine incurred by Jamini Bhusan Astanga Ayurved Vidyalaya amounted to Rs. 4,819 for 177 patients per day and Rs. 4,354 incurred by Biswanath Ayurved Mahavidyalaya for 104 patients per day.

(3) No medicine prepared within the institution.

- (4) No dissection hall.
- (5) Collection in the Museum meagre.
- (6) Library: small and not well kept.
- (7) No herbarium.
- (8) No contribution from teachers or scholars in their thesis or text-books.

Biswanath Ayurved Mahavidyalaya.

Established in 1933 by founder Principal late Mahamahopadhyay Kaviraj Gananath Sen.

Inspected by the State Medical Faculty on the 18th May 1946. At that time there were only 4 students—2 of whom were in the first year Ayurved Tirtha Course and 2 in the first year M.A.S.F. The Inspectors observed that "the cost under the head Medicine was as high as Rs. 4,000 whereas in the Astanga Ayurved College where the number of beds and out-patients were much larger, the cost under that head was only Rs. 2,288.

- Other defects*—(1) No herbarium.
- (2) Laboratory for Physics, Chemistry, and Botany not properly equipped.

- (3) No dissection hall.

The proceedings do not show that the grants were in every case judiciously made or that public good was the sole consideration that weighed with the Councillors in selecting the recipients. The influence and perhaps even the fad of Councillors went a great way and we cannot help feeling that some of the grants must have been money thrown away and there might be other cases like the Vivekananda Medical Institution and Hospital of 3, Earle Street, which was receiving a Corporation grant and to which we drew the attention of the Administrative Officer. That officer directed an enquiry and its results exactly tallied with our own. On this institution the Health Officer reported on the 4th August 1948 as follows:—

"I inspected the Institution on 2nd August 1948,

On enquiry it transpired that—

There are 4 beds in the ground floor which are designated as free beds; but patients confined in these beds have to pay Rs. 30 as confinement fee, though it is stated by the Secretary that some of the patients cannot pay Rs. 30, and in such cases any amount paid by them is also accepted. There are two paying beds up-stairs for which a charge of Rs. 3 per day is realised from the patients plus a sum of Rs. 30 for confinement fee. There are 2 cabins—one big and one small. For the small cabin a charge of Rs. 6 per day plus Rs. 30 is realised as confinement charge and for the big Rs. 10 per day plus Rs. 30 as confinement charges.

From the proceedings of the meetings of the Executive Committee held on 21st September 1947, I find that out of the confinement charges of Rs. 30, Rs. 10 has to be paid to Doctor to conduct the delivery which in this case naturally means Dr. Borat.

There is no arrangement for examination of blood and other specimens and whenever such examination is necessary, this is arranged with a private doctor and the patients have to pay extra for that.

The authorities could not produce any account or register to show how many cases were treated in the so-called free beds in the ground floor and how many cases were treated in the paying beds or cabin. It was stated that no such separate entries have been kept.

Staff (medical):—I was told that the staff consists of—

Superintendent—Capt. P. C. Sen.

Secretary—Dr. Borat.

Visiting Surgeons—Dr. A. K. Acharyya, Dr. K. M. Paul, Dr. Mrs. A. Mukherji (appointed only recently).

No attendance register is kept and on enquiry it transpired that Superintendent, Capt. P. C. Sen comes occasionally and Visiting Surgeons are sent for in difficult cases by Dr. Borat. Whether these Visiting Surgeons are paid anything or not could not be ascertained from the records. Dr. Borat and Capt. Sen stated that Visiting Surgeons did not charge anything. Dr. Borat is the Secretary. He is practically in charge of the Institution. On enquiry it transpired that he filed an insolvency suit in 1941-42, Dr. Borat is not a qualified medical practitioner.

Nursing Staff.—There were 3 Nurses—all 3 unpassed. A passed Nurse has been appointed only recently evidently after the complaint was made. Even in this case her emoluments, etc., have not yet been settled. Three unqualified Nurses that have been working all this time are not regularly paid; all 3 have been paid for April and 2 for May and June.

No stock book for medicines purchased and spent has been kept. No Register is maintained for poisonous and dangerous drugs. No Tools and Plant Register is maintained for instruments and appliances. No register is also kept for linens.

On going through the Auditor's report for 1946-47, I find in 1946-47 Dr. Borat had advanced Rs. 4,166-14-7 to keep the Hospital running. Similarly an advance of Rs. 4,419-13 and Rs. 2,375-11 was made by Dr. Borat in 1944-45 and 1943-44. Dr. Borat admitted that American Red Cross donated to this Institution Medicines worth about Rs. 15,000 and Indian Red Cross also donated to the extent of Rs. 200. No account could be found for this and they could not produce any register where the above have been entered. Similarly in 1943-44 a charity performance was held to help this Institution and about Rs. 1,100 was realised. Dr. Borat corroborated that but could not show from the account book how this amount was credited to the accounts of the Institution.

From the facts mentioned above it appears that allegations, viz.—

- (i) none of the beds are free;
 - (ii) Doctor-in-charge is not a qualified medical man;
 - (iii) Nurses are not qualified, and
 - (iv) that books and accounts are not properly kept,
- are substantiated.

34. We can suggest no desirable measures not already known in general public health reform. Some of these measures such as a perfect dietary at prices within the reach of all, or rational, town-planning and housing, better conditions in factories, and shops, a shorter working day, and compulsory paid holidays are reforms which concern the State much more than the city, if the aim is to secure universal conditions in which a healthy population can flourish. Pure water-supply and drainage, adequate ventilation and lighting, hygienic accommodation for residence and open spaces for recreation are, however, matters which it is the duty of the Corporation to secure, gradually and consistently, though not in a day, but the one thing that it can secure quickly is the supply of pure food such as is exposed for sale, particularly, of pure safe milk for children and expectant mothers. The health organisation must work with greater vigour and the supervision of the staff should be closer and more effective. The principal reason for ineffectiveness we discussed in the chapter on the relation between the Corporation and its Executive. There must be a power in the Health Officer, delegated, it may be, by the Chief Executive Officer, to punish or to remove subordinates who do not do their duty. A filthy market or open sale of impure milk, for instance, ought to cost somebody his job, but it has cost nobody anything. Few salaried servants do public duty from public spirit. To neglect it ought to be disadvantageous. It has not been so, generally speaking.

CHAPTER X.

Water-Supply.

1. The water-supply for the city of Calcutta is one of the most important functions of the city Corporation. The Commission has studied in detail the present arrangement for the supply of filtered and unfiltered water to the area within the existing limits of the Corporation of Calcutta and also to some adjoining municipalities. It did not require much investigation to come to the conclusion that the supply is quite inadequate for the needs of the growing population of the city. It is however the duty of the Commission to make definite recommendations for improving the system. Its task has been lightened by the excellent report submitted by an expert Committee of Engineers appointed by the Government of Bengal in September 1945. In this report the existing systems of both the filtered and unfiltered water-supply have been fully examined and all deficiencies have been carefully analysed. Definite recommendations have been made for augmentation of the filtered water-supply and the improvement of the unfiltered water-supply. Unfortunately the recommendations of this Committee have not so far been given effect to, though according to the Committee the scheme outlined by it "is both necessary and practicable" and "the work can be completed within two or three years". The Commission has visited the Pulta and Tallah Pumping Stations with a view to becoming familiar with the existing conditions prevalent in those stations at the present time.

Early history.

2. Before proceeding further it will be interesting to describe here in brief outline how the water-supply system of the city has developed from the earliest times (compiled from Mr. S. W. Goode's book "Municipal Calcutta" and other publications).

3. We find that in 1709, the Great Tank (Dalhousie Square) was deepened and extended for the supply of "sweet water" to the Garrison of old Fort William and "British Calcutta" which "grew up on its banks". Later on many private tanks were excavated for the supply of good drinking water to the people. They fell into decay due to neglect in not keeping them under proper maintenance.

4. Between the years 1805 and 1836 came the activities of the Town Improvement and Lottery Committees. They did not overlook the importance of the provision of water-supply for the city. They tried to solve the problem by the excavation of large tanks in Cornwallis Square, College Square, Wellington Square and several other places in the city which proved an "inestimable boon" to Calcutta. In 1820 a small pumping plant was installed at Chandpal Ghat for lifting river water and distributing it through open masonry aqueducts by gravitation over a small part of the town, viz., Old Court House Street, Dharamtolla, Chowinghee, Park Street, part of Chitpore Road, Lal Bazar, Bowbazar, etc. The installation was worked by Messrs. Jessop and Co. for seven hours a day for eight months a year at Rs. 400 per month. Water from the aqueducts was taken by pails for domestic use. This water was also utilised for street watering and for replenishing the supply in tanks in the vicinity of the aqueducts. This account is interesting as being the first effort by the Corporation to utilise the water of the river Hooghly for the needs of Calcutta, though only small portion of the city benefitted by this scheme. Incidentally this is the origin of the system of unfiltered water-supply in Calcutta which is still in vogue. The greater portion of the city used to be served by private wells, "more dangerous sources of supply than the insanitary privately-owned tanks which were so abundant in the northern part of the town". The

Fever Hospital Committee (1836-47) also investigated this matter and their report throws an interesting light on the water-supply of its time. "Good tanks and clean well-repaired wells" were rare. River water was most generally used by the Hindoo inhabitants except those who lived at a distance from it, and were too poor to buy it from water-carriers. The poorer Hindus and Mahomedans generally used tank water. The Europeans often used rain water which they stored in common "Pegu" jars. The only purifying process it was subjected to was filtration through a bed of sand and charcoal previously immersing in each jar a red hot iron to destroy the animalculae.

5. The need for a supply of pure and wholesome water appears to have been first recognised by the Legislature in Act II of 1848. In 1853 and 1854 the Commissioners spent some money for repairing public tanks. In the latter year, the system of aqueduct already mentioned was extended to Wellington Street, Wellesley Place and College Street. Contributions to the cost of the work were obtained both from Government and the public.

Clarke's scheme of water-supply of the city of Calcutta.

6. At this time, Mr. W. Clarke, M.I.C.E., was appointed Secretary to the Corporation. The water-supply and the drainage system of the city owe much to his skill and ability. The extension of the aqueducts for the supply of river water by pumping was discussed in a note submitted by him at the time and after discussion the advantages and disadvantages of open aqueducts, he recommended the use of cast iron pipes laid underground through which water might be forced from Chandpal Ghat under a pressure of 30 feet. At intervals of 100 yards "hydrants might be placed for street watering, fire extinguishing and flushing purposes". The Commissioners however did not favour the innovation on the grounds of expense and delay in obtaining materials from England. For the next few years it appears that Mr. Clarke's energies were wholly occupied with the great drainage scheme of Calcutta of which he was the originator. By 1862 the drainage work was in full progress when Mr. Clarke and the Commissioners found an opportunity of dealing with the hardly less important question of water-supply.

Selection of Pulta as the site for water-supply for the city.

7. Between December 1861 and January 1863, Dr. MacNamara was deputed to carry out an elaborate set of analysis of the Hooghly water. Samples of water were taken monthly from the centre of the stream 6 feet below the surface from "three stations, viz., from opposite Cossipore, Pulta Ghat and Chinsurah". The water drawn at Pulta and Chinsurah was found comparatively pure while that at Cossipore was found "tainted" with sewage. The idea of placing the "intake pipes" at this place was therefore abandoned. In 1863 Mr. Clarke was sent on deputation to the United Kingdom to obtain the latest information and to be acquainted with the latest practice regarding water-supply and drainage. In 1865, he submitted his full report on the Pulta scheme "which was approved in its entirety by the Waterworks and the Finance Committee of the Corporation". The execution of the first scheme for the supply of filtered water in the city appears to have been commenced between 1867 and 1869 and the actual supply was given in 1870.

8. The work was designed for 6,000,000 gallons of filtered water to be supplied per day for an estimated population of 400,000. The method of supply is briefly stated below:—

(i) Conveyance of water from Pulta and its distribution in the city.

9. The water from Pulta was conveyed to Tallah at the northern end of the city whence it was distributed to the different parts of Calcutta.

The average ground level at Tallah was 18 feet above datum (Kidderpore Dock sill). This rose with slight undulations to about 30 feet above datum at the river bank at Pulta which is about 13 miles from Tallah. There was a fall of $11\frac{1}{2}$ inches per mile between Pulta and Tallah. Mr. Clarke at first proposed that the water should be carried from Pulta to Tallah by gravity, through a brick aqueduct instead of through iron pipes obviously to keep down the cost of the project, but he subsequently changed his view. The works as executed consisted of a pumping station with three 50 H. P. engines on the river bank at Pulta which lifted the water into large masonry settling tanks. After the deposit of silt in these tanks for a certain time, the water gravitated on to 12 slow sand filters and the filtrate was collected in a central well whence it gravitated through a 42 inch cast iron pipe into an underground reservoir at Tallah. This cast iron pipe was considered to be capable, under favourable conditions, of delivering 8 million gallons of water per day. A pumping plant was installed at Tallah of which the function was partly to deliver water direct through underground service pipes to consumers and partly to another underground reservoir constructed at Wellington Square. A second pumping station was built there and the distribution to consumers was completed from this reservoir with the help of the pump working at this place.

(ii) Details of settling tanks and filter beds at Pulta and reservoirs at Tallah and Wellington Square.

10. There were six settling tanks at Pulta each 500 feet by 250 feet with a depth varying from 7 feet at one end and 9 feet at the lower end. The average capacity of each settling tank was $4\frac{1}{2}$ million gallons with an aggregate capacity for all the tanks equal to 26 million gallons. These are still in existence and working fairly satisfactorily. There were 12 filter beds each 200 feet by 100 feet with a depth of 5 feet 7 inches to 6 feet 1 inch. The filter medium consisted of 30" layer of very fine Pulta sand on the top of a 6" layer of coarse Magra sand, the whole resting on a bed of pebbles, varying from "fine gravels to stones as large as eggs", the total thickness of the filter bed varied from 3 feet 10 inches to 4 feet 4 inches. Each tank was calculated to pass one million gallons of water in 24 hours. The filter beds were cleansed by scraping the surface from time to time until a clean layer of sand was reached. The sand removed was cleaned and washed and made fit for use again. The reservoir at Tallah and Wellington Square had capacities of 1 and $6\frac{1}{4}$ million gallons, respectively. The total cost of the work appears to have been 66 lakhs of rupees. Mr. Smith, a P.W.D. Engineer lent by Government, who was in charge of the immediate supervision of the work carried out by a firm of contractors, reported in November 1869 that tests on the main between Pulta and Tallah proved satisfactory.

(iii) Further development of water-supply system to meet increased demand for water.

11. The waterworks were taken over by the Corporation from the contractors in 1870. In that year all the main streets and lanes were "piped" and the total length of "piping" aggregated to $111\frac{1}{4}$ miles. "Over 500 standposts were erected in the streets and made accessible to the public." Towards the end of 1870, the daily consumption was $4\frac{1}{2}$ million gallons and a "rapid increase in the demand was apprehended by the Justices". Requisitions for water were received from private parties such as the Calcutta Cricket Club and also from Government offices at Alipore and other places, then outside the town-limit.

12. In 1870 the pumping equipment of the Wellington Station was increased by the installation of an additional engine. The working of the filters was found to be unsatisfactory during the

rains and in 1871 the Engineer proposed to increase the number of filters and carry out other extension works to cost in all nearly Rs. 20 lakhs. In Mr. Clarke's opinion "the too limited accommodation for filtration was the weakest point of the waterworks". He pointed out that the number of house connections was 2,316 and that another 3,000 connections might eventually be expected. He further stated that there was reason to fear that a daily supply of even 12 million gallons might soon prove insufficient.

Suggestion to introduce meters.

13. The problem of waste now became very important, and a suggestion was made to fix meters on each premises connected with the supply and recoup their outlay by charging rent for their use. This suggestion was, however, not accepted both on the ground of cost and also of discontent likely to be caused by the innovation. It was, however, decided to increase the supply of water to the consumers by the erection of an additional engine at Tallah, the strengthening of the pumping plant at Chandpal Ghat and the extension of the unfiltered water-supply by laying unfiltered-water mains of an aggregate length of 25 miles in 33 streets. These latter measures were carried out at a cost of Rs. 2,46,365 and had the effect of saving 1,330,000 gallons of filtered water daily.

Efforts to increase supply of water and to improve its distribution.

14. The supply of filtered water did not exceed 7 million gallons per day, and it soon became evident that the works must be enlarged. The Water-Supply Extension Committee in their report in June 1880 proposed to increase the filtered water-supply to 12 million gallons per day.

15. It was also decided to use a cast iron main to carry the extra water from Pulta and Tallah in place of an open-cut masonry conduit though the latter was less costly. The extra outlay of Rs. 10 lakhs for the cast iron main was considered worthwhile as this would avoid all risks of contamination possible in an open-cut masonry channel. Moreover, additional outlay for filtration at Tallah would be unnecessary.

16. The life of the cast iron main was calculated to be 100 years. The important decision was also taken to obtain the additional capacity required for settling purposes at Pulta by constructing earthen instead of masonry reservoirs at Pulta.

17. The Committee also foresaw the probable necessity of providing extra accommodation at Tallah or some other place in or near Calcutta in order to ensure a reserve supply in case of a breakdown of the main conduit to store by night a supply for distribution by day and "to equalise any possible fluctuation in the action of the Pulta filters".

18. In 1888 a new pumping station was erected at Pulta about half a mile from the old station. Three 75 H.P. pumping engines were installed. Additional provision for settling tanks was made by excavating 4 large kutchha reservoirs with a total useful capacity of 82,750,000 gallons. Twenty-four additional filter beds were also constructed each 200 feet \times 100 feet. For carrying the increased supply of water to Tallah a new 48" cast iron pipe, 66,000 feet long, was laid between Pulta and Tallah. Two new pumping engines were also installed at Tallah where the reservoir accommodation was increased from 1 million to 3 million gallons. For distribution in the city an additional pumping engine was installed at Wellington Square, and a new pumping station was constructed in Halliday Street with an underground reservoir of 4 million gallons capacity. For the distribution of the supply of filtered water in southern suburbs (newly amalgamated area) a pumping station was constructed at Bhownipore

and an underground reservoir of 3 million gallons. These new works were completed in 1891. The total cost of the filtered waterworks up to 1891 was estimated at Rs. 14,27,200 of which nearly half was spent in extension of original schemes. Subsequent alterations were made in 1894 by the installation of a new pumping engine at Tallah capable of delivering 900,000 gallons per hour and of two engines (1898) of much greater power than the old ones. For the purpose of this account, it is not necessary to give a detailed description of the settling tanks and filter beds at Pulta which were constantly improved and enlarged according to requirements with the expansion of the supply.

19. The underground reservoirs at the distributing stations (Wellington Square, Halliday Street and Bhowanipore) were filled at night from the Tallah Pumping Station "the latter being carried through 30 inch independent pumping main and the engines at the pumping stations completed the distribution into the service main". The total length of service and distributing mains for the filtered supply in 1888 was 315 miles.

Pressures in Mains.

20. The pressures in the service mains were different in different parts of the city. It was maintained from 50 to 80 feet at the distributing stations between 6 a.m. and 10 a.m. and between 3 p.m. and 6 p.m. but the terminal pressures at some parts of the town did not exceed 10 feet. During the middle of the day a low pressure sufficient to work the standposts was maintained in the more thickly populated part of the city. The filtered waterworks as extended in 1888 were designed to furnish 20½ million gallons of which a small portion was supplied (about 300,000 per day) to the Barrackpore Cantonment, and the small suburban municipalities of Dum Dum, Cossipore-Chitpore and Maniktolla. By 1893, the maximum supply was used and with the growth of population the demand gradually increased, the pressure fell, and complaints of scarcity of water became numerous.

Use of overhead tank for the distribution of filtered water.

21. It was in April 1901 that Mr. Deverell, Chief Engineer of the Corporation, brought to the notice of the Corporation that Section 241 of Act VI of 1899 enjoined a continuous supply of water. With view to doing this Mr. Pierce, Assistant Engineer, proposed the abolition of the then Pumping Stations at Wellington Square, Halliday Street and Bhowanipore and the introduction of a continuous supply through two elevated reservoirs, one for the north and east and another for the south of the town, the reservoirs being 60 to 80 feet above ground level, the capacity of underground reservoir at Tallah being, at the same time, increased from 3 to 8 million gallons capacity. The Chief Engineer, Mr. Deverell, while generally accepting Mr. Pierce's scheme, did not approve of the abolition of the Bhowanipore Pumping Station and suggested the construction of 6 elevated reservoirs instead of two. According to Mr. Pierce the estimated cost of the proposed scheme worked out to Rs. 18 lakhs. Mr. Deverell's scheme was computed to cost Rs. 20,16,000.

22. The Corporation, however, referred the proposals to Government, with the result that Mr. Buckley, Chief Engineer, and Mr. Silk, Sanitary Engineer to the Government of Bengal, were deputed to report upon the schemes. They did not approve of the schemes either of Mr. Pierce or of Mr. Deverell, but expressed the view that with proper checking of the waste and control of distribution, there could be no necessity to increase the supply. They however agreed that the Tallah reservoir should be increased by 5 million gallons for securing larger reserve of water in case of

accidents and also for a more even and economical use of the Tallah engines. They also proposed to increase the pumping power at Tallah, Wellington Square, and Bhowanipore and to lay a new distributing main from Tallah to Shambazar. The cost of their scheme was estimated to be Rs. 19,79,994. This was adopted by the Corporation in May 1902, and the work was started. Messrs. Buckley and Silk believed that an average daily supply of 20 gallons of filtered water per head of population combined with a "development" of the unfiltered water-supply would be adequate and assumed that meters would be freely used to check excess consumption over the statutory scale of 4,000 gallons to each rupee of water rate.

MacCabe's scheme for improving the water-supply.

23. Before the extension work recommended by Messrs. Buckley and Silk proceeded far, Mr. W. B. MacCabe was appointed Chief Engineer. On 23rd November 1903, he submitted a fresh scheme reviving the idea of substitution of gravitation for pumping as a method of distribution. According to his scheme an elevated reservoir costing Rs. 8 lakhs and capable of holding 3 to 5 million gallons at a height of 85 feet was to be constructed at Tallah. He also proposed the laying of a new 48" main from Pulta to Tallah at a cost of Rs. 21,05,000 to deliver an additional supply of 12 million gallons of water at Tallah. In March 1904, Mr. MacCabe submitted a complete scheme estimated to cost Rs. 32,51,165 exclusive of the cost of a new 48" main proposed to be laid between Pulta and Tallah. In the meantime, an additional supply of 6 million gallons was obtained by installing pumps to put a pressure of 15 feet on the 42" and 48" existing mains at Pulta. There were hitherto doubts as to whether the existing mains which carried water by means of gravity were strong enough to carry water under pressure. The Chief Engineer's opinion was reassuring about the condition of the mains and was more than justified by the results when the pumps were installed on the 25th July 1905. With regard to Mr. MacCabe's scheme, the Corporation obtained the expert opinion of Mr. James Watson of Bradford, England, who approved of Mr. MacCabe's project, recommending, however, that the capacity of the elevated reservoir should be 7½ million instead of 5 million gallons. It is interesting to note that Mr. Watson questioned the "expediency of retaining the unfiltered water-supply".

24. Mr. Watson's report was adopted by the Corporation. In April 1905, Mr. MacCabe submitted a revised estimate of Rs. 82,40,000 which provided for a daily supply of 50 million gallons of filtered water for all purposes. A careful examination of the city's requirements for domestic and non-domestic purposes was made. In 1882 before the increased unfiltered water-supply was generally available, 30 gallons per head had been considered an adequate supply for all purposes, while Messrs. Buckley and Silk held that 20 gallons per head of filtered water would suffice if waste was strictly prevented. The Corporation considered various suggestions and was of the opinion that if the system of water-supply was to be completely overhauled, the project should offer a solution of the problem which should hold good for the next 25 years. They considered 30 gallons per head of population (in addition to the unfiltered water-supply) was an adequate allowance. They anticipated that the population of Calcutta in 1930 would not exceed 1.25 millions, therefore the ultimate requirement of filtered water in that year would be 37½ million gallons. To this was added 2½ million gallons, the daily requirements of the outlying Municipalities and Dum Dum Cantonment. "A daily supply of 40 million gallons of filtered water was, therefore, thought to be ample provision for all probable needs for the next 25 years".

25. It was believed that a daily supply of 25 million gallons of unfiltered water might be required for non-domestic purposes. The cost involved in providing filtered water for such purposes was estimated at Rs. 40 lakhs. The Corporation considered this extra expenditure prohibitive and ultimately decided to limit the project to the daily supply of 40 million gallons of filtered water only, unfiltered water being continued to be supplied for non-domestic purposes.

26. With regard to the question of the provision of an additional main between Pulta and Tallah for the conveyance of the extra water from Pulta, the Sanitary Board was opposed to the provision of a covered masonry aqueduct which the Chief Engineer proposed to construct while the cost of an iron main would not be less than 40 lakhs. Mr. MacCabe met the difficulty by submitting a scheme in February 1906, to put sufficient pressure on the existing 42" and 48" mains to carry 32 million gallons per day with provision for expansion to carry 40 million gallons per day when found necessary. This suggestion was approved by the Corporation, the estimated cost being Rs. 69,17,894. The scheme as finally sanctioned by Government of Bengal on the 5th March 1908, consisted of the following works which were duly executed:—

- (1) Erection of new pumping machinery, station and jetty, suction and delivery pipes for pumping water from the river into the Pulta settling tanks.
- (2) The construction of five large filters at Pulta.
- (3) The installation of a 300 B.H.P. Diesel oil-engine and centrifugal pump at the centrifugal pumping station at Pulta, with engine-house, for putting pressure on the 48" and 42" mains.
- (4) The installation of three 300 B.H.P. Diesel oil-engines with turbine pumps and engine house at Tallah to raise the increased supply of water into the elevated reservoir.
- (5) The construction of a 9 million gallon steel elevated reservoir.
- (6) The laying of a new main from Tallah to Wellington Square.

The scheme included the provision for the following improvements:—

- (1) The prevention of waste.
- (2) The increase of the supply.
- (3) The improvement of the distribution.

The first was sought to be effected by the fixing of stop-cocks and sluice valves and the continuation of the waste water-meter system, the second by the provision of a more powerful intake plant at Pulta, construction of five additional filters and the increase of the pressure in the mains from Pulta to Tallah, and the third by the substitution of "gravitation" for direct pumping for distribution purposes with the help of the elevated reservoir at Tallah and also by laying a new main from Tallah to Wellington Square and the extension of mains in the town and added areas.

Tallah Overhead Tank.

27. The most striking feature of the new scheme was the overhead tank at Tallah. Its essential function was to enable the pumps at Tallah to be worked at constant head and speed instead of having these to be adjusted to conform to the fluctuating demands of the consumers which varied during each hour of maximum demand. "The obvious means of overcoming the difficulty

was to create a reserve during the hours of minimum demand for use during the hours of maximum demand". The flow of water from the reservoir designed to meet the maximum requirement automatically adjusted itself to any demand short of the maximum. The reservoir consists of a steel tank 321 square feet and 16 feet deep, supported on steel columns, the height from the top of the tank to the ground level being 110 feet. It has a capacity of 9 million gallons. It is divided into 4 compartments, and each compartment can be thrown out of work for purposes of cleaning or repairs without interrupting the town supply; to protect the water from possible contamination and "from the blazing sun" it is covered with a suitable flat terrace roof into the details of the construction of which it is not necessary to enter. The water contained in the tank weighs 40,000 tons and the structure about 8,500 tons. The overall load on the soil is about 12 cwt. per square foot or $6/10 = .6$ tons per square foot, which leaves a safe margin even in the treacherous soil of Calcutta. The reservoir was commenced on the 19th October 1909, and completed on the 12th January 1911 and brought into use on 16th May 1911. It should be noted that even after the completion of the scheme, Calcutta did not enjoy a continuous high pressure supply of filtered water. In 1913-14 the quantity of filtered water supplied to the town averaged 354 million gallons per day, the average consumption per head of the population being 32.8 gallons per day (with the addition of 25.4 gallons of unfiltered water per head per day).

28. The Corporation soon discovered that the waterworks had to be remodelled to provide a large increase in the supply and side by side effective measures had to be taken for the prevention of waste. The problems by the way had not been solved up to the present time, nearly 38 years after the MacCabe's overhead tank had been installed and brought into use. The continuation of the then existing conditions was found to be quite inadequate for a continuous supply of filtered water at high pressure.

Inadequacy of MacCabe's Scheme.

29. As Mr. MacCabe's "Great Scheme" did not bring about the results expected of it, viz., a high pressure continuous supply of filtered water to the city of Calcutta, the Corporation began again the consideration of the problem through the agency of a Water-Supply Special Committee who in its turn appointed a Sub-Committee to thrash out the matter in all its aspects. The deliberations of the Committees continued for several years, from 1911 to 1919, various calculations were made as to the requirements of the city. Schemes were considered for an increased supply of water by the laying of an additional main from Pulta to Tallah, installation of an additional pressure plant at Tallah and "probably" an additional reservoir at that place. These deliberations did not produce any conclusive results so that some members of the Sub-Committee, probably in despair, considered that the idea of a continuous supply at high pressure should be given up on the ground of the expense involved and also because schemes for such supply in the past did not produce the desired results. They were satisfied with the reasonable adequacy of the present supply. The labours of the Committee and Sub-Committee continued and at the end we find that at the request of a Committee Mr. Pierce, Executive Engineer, Waterworks, submitted a rough estimate amounting to Rs. 1,95,00,000 for increasing the supply of filtered water to 120 million gallons per day on the assumption that the unfiltered water-supply would be abolished and another estimate amounting to Rs. 101 lakhs for increasing the supply of filtered water to 60 million gallons a day and a third estimate of Rs. 51 lakhs for increasing the supply of unfiltered water to 40 million gallons a day.

Moore and Bateman Scheme of water-Supply.

30. All these labours seemed to have come to nothing for on the 10th December 1919, the Corporation resolved to bring out a water expert from England to report upon the water-supply of Calcutta and suggest measures for its improvement.

31. Accordingly on the recommendation of the President of the Institution of Civil Engineers, Mr. S. St. George Moore, an expert in Waterworks Design and Construction, was brought out from England to advise in the matter. Mr. Moore after a thorough examination of the system declared that the position of water-supply in Calcutta was a serious one and called for immediate remedy.

32. Mr. Moore at first suggested providing Calcutta and its suburbs with 100 million gallons of filtered water per day or about 80 gallons per head per day with the simultaneous abolition of the supply of unfiltered water. The proposal was for the distribution of filtered water received from Pulta by pumping from Tallah by means of independent feeder mains to specially defined zones into which the city would be divided for the purpose. The scheme was approved by the Corporation in July 1920, who asked Mr. Moore to provide 90 gallons per head per day for the estimated population of 1941 instead of 80 gallons per head per day with provision for expansion to 100 gallons per head per day, if required. This modified scheme estimated to cost a little over 3 crores of rupees was approved by the Corporation in September 1920, and sanctioned by Government in November of the same year.

33. Later on, the Corporation in May 1921 passed the following resolution:—

"That the Corporation are of opinion that it is necessary that the agreement to be entered into by Mr. Moore should include a guarantee that the statutory liability of the Corporation in respect of water-supply, viz., a continuous supply at a minimum pressure of 40 feet in all parts of Calcutta will be carried out."

Mr. Moore was unwilling to give this guarantee. The question was then referred to a Special Committee which gave up the question of guarantees and recommended a scheme with provision of metering at a cost of 10 lakhs of rupees. In view of the financial position of the Corporation, the Committee decided not to dispense with the unfiltered water-supply and recommended the following scheme which was accepted by the Corporation at their meeting, dated 13th July 1921:—

- (a) That the unfiltered water-supply be not discontinued.
- (b) That the scheme for the improvement of the water-supply should provide 70 million gallons of filtered water and 40 million gallons of unfiltered water with adequate control of the filtered water-supply so as to maintain a continuous supply at a minimum pressure of 40 feet.

Messrs. Moore and Bateman, the latter being a partner Engineer in the firm of Messrs. Moore and Bateman in London, were requested to further modify Mr. Moore's scheme accordingly. This was done, and the work was estimated to cost Rs. 2,13,62,282.

Effect of amalgamation of Maniktolla and Cossipore Municipalities with Calcutta.

34. The scheme was sanctioned by Government in January 1922 and some of the works as provided in it were already taken up when the suburban municipalities of Cossipore, Maniktolla and Garden Reach were amalgamated with Calcutta in April

1924. In their scheme Messrs. Moore and Bateman proposed to supply the suburban municipalities with 15 gallons of water per head per day.

35. But the Corporation decided that these Municipalities should be supplied with the same quantity of water per head per day as Calcutta proper. Accordingly, at their meeting held on the 2nd May 1923, they resolved as follows:—

- I. That Messrs. Moore and Bateman be asked—

- (i) to revise the present scheme as regards the pumping plant at Pulta and Tallah, the filter beds, and the settling tanks at Pulta and the underground reservoir at Tallah, with a view to provide sufficient water to supply the amalgamated areas of Cossipore-Chitpore, Maniktolla and Garden Reach with the same quantity of water per head as provided for Calcutta under the present scheme;
- (ii) to revise their present designs with a view to extend the supply of filtered water to Garden Reach;
- (iii) to design works and prepare the necessary estimates, etc., for the extension of the unfiltered water-supply to Maniktolla.

- II. That the Chief Engineer be asked to design—

- (i) for Cossipore-Chitpore, a distribution scheme for filtered water and a pumping and distribution scheme for unfiltered water together with estimates, specifications, etc.;
- (ii) for Maniktolla, a distribution scheme for filtered water together with estimates, specifications, etc.;
- (iii) for Garden Reach, a scheme together with estimates and specifications for the extension of unfiltered water-supply from Watunge.

Messrs. Moore and Bateman submitted a report on the 17th May 1923, which they subsequently amended in the report, dated 21st June 1923, in which it was proposed to deliver at Tallah 83.5 million gallons instead of 70 million gallons of water per day. The estimate of the increased cost of supply with the required extension amounted to Rs. 45,47,073.

The whole scheme for augmentation of water-supply, carried out under the Moore and Bateman proposal cannot be said to have been fully completed even now, though the temporary department for the Water-Supply Extension Scheme was closed in 1933. From enquiries it appears that the augmented supply of water began to be partially effective from 1929-30. A short account of the major works executed under the scheme is given in Appendix XXVI.

Non-provision of water meters.

36. Although there was a provision of Rs. 10 lakhs for metering for adequate control of filtered water-supply, no work was done on that account. Thus an item of work which was very essential for the scheme was left over. The total cost actually incurred for the implementation of the Moore-Bateman scheme excluding Rs. 10 lakhs provided for metering was Rs. 2,63,60,340.

Inadequacy of the distribution system.

37. It was pointed out by Messrs. Moore and Bateman that their scheme of distribution for filtered water stopped at the zone centres and the Corporation would have to make necessary additions and alterations to fit the zone system with the existing distribution system. Unless

these were done it was not possible to carry filtered water to the extreme end of the different zones under the stipulated pressure of 40 feet. Full advantage of the zone system introduced by Messrs. Moore and Bateman had never been attained in the outlying areas of the city, the pressure remaining much below the statutory pressure of 40 feet. A design was accordingly drawn up in 1936 which was estimated to cost Rs. 16,37,000. This was sanctioned by the Corporation and the Government of Bengal in 1937. As no funds could be provided by the Corporation for financial reasons, no work comprised in the scheme could be taken up.

38. As already mentioned the Chief Engineer of the Corporation was to submit schemes for distribution of filtered water in Cossipore and Maniktolla which was done in 1927. The schemes which were originally estimated to cost about Rs. 9 lakhs each were subsequently revised and were estimated to cost Rs. 5,43,000 for Maniktolla and Rs. 4,70,500 for Cossipore, and were sanctioned by the Corporation and Government of Bengal on 20th November 1937 and 30th March 1939, respectively.

39. Execution of the Maniktolla filtered water scheme was taken up in 1939 and that of Cossipore filtered water scheme in 1941. The works were only partly completed. They were held up for want of funds.

40. The last war brought a large influx of people consisting of military and other personnel into Calcutta raising the population to 21 lakhs in 1941 in place of 13.22 lakhs as anticipated and provided for by Messrs. Moore and Bateman. As the war lingered on, the population went up higher and higher and by the end of 1942, it was near about 30 lakhs. The position of the water-supply in Calcutta both as regards filtered and unfiltered water gradually deteriorated so much so that in many parts of Calcutta the pressure of filtered water in the Corporation service mains was nine less than 40 feet being in the neighbourhood of 5 to 10 feet only and in some places it fell even to zero (*vide Appendix XXVII*). Apart from the need of proper distribution specially in the outlying areas, the necessity for augmentation of supply was keenly felt.

Committee of Experts for augmentation of water-supply.

41. A Committee of three members with Mr. Subrahmanyam of the All-India Institute of Hygiene of Calcutta as Chairman and Dr. B. N. Dey, Chief Engineer, Calcutta Corporation, and Mr. P. C. Bose, Special Officer, Pulta, was formed in 1944 at the instance of the Water-Supply Technical Advisory Board of the Corporation to go into the question of the augmentation of water-supply of the city.

42. In their report the Committee pointed out the serious limitation to even a temporary augmentation of the filtered water-supply due to the fact that slow sand filter contained sand of finer quality than was usually considered suitable, and the maximum output could not be obtained. They also expressed the opinion that it would take not less than two years to replenish the filters with sand of the correct specification owing to various difficulties. They therefore recommended the building of one rapid gravity sand filter, 100 feet by 200 feet in 10 units. This would augment the supply of filtered water by 48 million gallons daily and bring it up to 118 million gallons per day. A rapid sand filter could be built within two years and the cost would be of the order of Rs. 35 to Rs. 45 lakhs for filters, etc., and about Rs. 50 lakhs for an additional 39-inch main to Tallah at the present high prices. To solve the immediate problem of water scarcity, the Committee also suggested that house-holders should be urged and

assisted to put up private tube-wells and Government must be requested to release pipings, motors, electric supply, etc., to the extent required for this purpose. Army and other large Government establishments must instal their own tube-wells and Government asked to maintain the A.R.P. tube-wells at the highest pitch of efficiency. This would give 25 gallons per head to a population of 2.88 millions. No authoritative figures of the actual population at the moment being available, it was assumed that the population would not exceed 3.3 millions including troops and residents in the suburban area, and a supply of 84 million gallons daily would give 25 gallons per head plus a reserve for washing filters. They did not recommend that more than 72 million gallons should be supplied except on a few occasions when there would be a heavy demand.

Suggestions for utilisation of ground water as an alternative source of supply.

43. The Committee also dealt with some other points regarding augmentation of the water-supply, and expressed the opinion that the time was overdue for drawing up a few alternative projects for the augmentation and improvement of the water-supply of the city. The possibility of tapping other sources of water, particularly ground water, both as an additional and abundant source of safe water and as a strategic measure of having many decentralised sources of supply, was specially stressed on. In their opinion, one of the projects must be for the abolition of the unfiltered water-supply. These water-supply problems, in their opinion, should be accorded the highest priority among post-war plans for a better Calcutta, and ought to be executed within four years after the war. They made several other recommendations for the solution of the water-supply problem of the city. It is not necessary to go into details of these as a subsequent Expert Committee examined all the factors in details and made definite recommendations for a short-term scheme for increasing and improving the water-supply of Calcutta, both filtered and unfiltered.

Mr. P. C. Gupta, Executive Engineer, Waterworks, scheme for augmentation of filtered water.

44. Following the submission of the scheme by the Sub-Committee, the then Executive Engineer, Waterworks, Mr. P. C. Gupta, submitted a scheme for supply of 90 million gallons of filtered water per day at a cost of Rs. 83,58,000. In this scheme he suggested various changes both at Pulta and in the distribution system in the city. He proposed to bring into use the abandoned underground reservoirs at Wellington Square and Halliday Street for Central Calcutta and construct new ones at Hazra Park for South Calcutta, Brannfeld Park for Garden Reach and Kankurgachi for Maniktolla with Pumping Stations in each place, in addition to Tallah reservoirs for North Calcutta and Cossipore. The scheme does not appear to have been given effect to.

Unfiltered Water-Supply.

45. With regard to the supply of unfiltered water to the city of Calcutta, the installation of a small pumping plant at Chandpal Ghat in 1820 has already been mentioned. In the meantime the scheme for the introduction of filtered water-supply took shape and became an accomplished fact. The supply of filtered water, however, soon proved deficient and in order to supplement that supply, an extension of the unfiltered water was decided upon and carried out between 1870 and 1874. Unfiltered water-pipes were laid in various parts of the town. The site of the Chandpal Ghat pumping station was handed over to the Port Commissioners in 1884 in exchange for the present

Mullick Ghat Pumping Station site and Watgunge Pumping Station was established when the suburbs were amalgamated with Calcutta.

46. The unfiltered water-supply had to be increased with the growth of the city. Appendix XXVIII gives the extent of its development. Originally the pumping of unfiltered water from the Hooghly and its distribution in the city used to be done by pumps worked by steam engines. These were later on replaced by electrically operated centrifugal pumps both at Mullick Ghat and Watgunge Pumping Stations. Unfiltered water in Calcutta is intended for washing streets twice a day, fire fighting and for flushing the closets into the sewers and its use for other than the above purposes is prohibited in theory. It is however well known that many houses in Calcutta have unauthorised taps delivering unfiltered water, which is used for bathing, washing utensils and for other purposes. The existence of these in large numbers was discovered and samples of water from these taps were found to contain cholera vibrios in the course of the investigation on cholera conducted by the All-India Institute of Hygiene in April-May 1945. It was found at the time that wards which have such unfiltered water-supply had a much higher and more widespread incidence of cholera than other wards. These wards which had no unfiltered water had only a few cases of cholera from case to case by contact instead of water, even though the economical level of the population and the general sanitation were comparatively very poor."

Mr. S. N. Ray's scheme for improvement of unfiltered water-supply.

47. In 1944 the Government of Bengal had started an enquiry into the causes of scanty unfiltered water-supply in the city as no flush water was available over a large portion of the city, viz., Park Circus and Free School Street area in District III, Beckbagun and Ballygunge Place area in District IV and Baghbazar in District I. The enquiry was entrusted to the Chief Engineer of the Public Health Department of the Government of Bengal (Mr. S. N. Ray) who submitted a report accepting the departmental suggestions of laying certain number of unfiltered water mains mainly in the southern part of the city and the fitting up of devices for cleansing silt deposited in the mains and for the free escape of air from them. The Government approved of the recommendations and issued directives to the Corporation to take up the works immediately, having agreed to advance loans for the above works. They have been partly carried out.

Mr. Ray also recommended the replacement of the pumps and motors both at Mullick Ghat and Watgunge at an early date.

48. Another great hindrance in the way of maintenance of unfiltered water-supply is the rapid formation of shoal in the foreshore of the river opposite Mullick Ghat Pumping Station, causing deposit of silt in a long stretch of river near the old Howrah Bridge site up to a level much higher than the level of the intake pipes. This has been aggravated after the abandonment of the old Howrah Bridge. Supply has to be maintained by getting the river dredged by the Calcutta Port Commissioners' dredgers once every three months. After negotiations with the Calcutta Port Commissioners it was decided to extend the jetty and suction pipes by another 150 feet into the river. The cost of the work is estimated at Rs. 4,47,000 and has been sanctioned by the Government of West Bengal, who have agreed to advance loan for the work. It has been decided that the work of the erection of the jetty will be done by the Calcutta Port Commissioners and the laying of the suction pipes by the Calcutta Corporation.

Expert Committee of Engineers of 1945 for the augmentation of both filtered and unfiltered water-supply.

49. Soon after the enquiry regarding the unfiltered water-supply was over, the Government of Bengal set up a fresh Committee of Engineers in 1945 to go into the question both of the augmentation of filtered water-supply and improvement of unfiltered water-supply with Mr. P. C. Bose, Chief Engineer, Public Health Department, Government of Bengal, as the Chairman and Chief Engineer, Calcutta Corporation (Mr. D. N. Ganguly), Chief Engineer, Calcutta Improvement Trust (Mr. Prosser) and Mr. Subrahmanyam, Professor, Sanitary Engineering, All-India Institute of Hygiene, Calcutta, as members. They submitted an ad interim report in 1946 embodying a scheme, estimated to cost about Rs. 1.96 crores (for details of estimated cost, *vide* Appendix XXIX).

50. The scheme is based on 30 gallons per head per day of filtered water on the estimated population of 1956 for a total quantity of 130 million gallons, retaining the zone system of distribution with an addition of a boosting plant to be connected with Zone IV main at Monlali corner. Regarding the unfiltered water-supply, they have recommended immediate replacement of several existing pumps and motors which have more or less outlived their lives, by new ones and have suggested boosting by sinking tube-wells in low pressure areas and connecting the same with the main. For the Maniktolla area they have suggested sinking 12 tube-wells at different places and laying a distribution system of supply which will supply all water necessary for the area including flush water for privies.

General remarks and recommendations of the Commission.

51. The above description gives an account of the water-supply of the city of Calcutta and the various efforts made by the Corporation of Calcutta from time to time to make the supply adequate to the needs of the city. There have been many Committees dealing with the problem. Large sums of money have been spent from time to time in an effort to increase the supply and improve its distribution. It is however clear that efforts hitherto made could not keep pace with the growing needs of the city, and that is the reason why every few years, fresh proposals had to be made which in several cases could not be fully implemented mainly for want of financial resources. It will be interesting to note that the Calcutta Corporation have up to date spent Rs. 6,79,11,959 for waterworks (capital works). This figure does not include the cost of pumping stations. The cost of all pumping stations including that for drainage is reported to be Rs. 1,16,01,546. The figures are based on expenditure incurred up to the year 1947-48.

52. The annexed map (Appendix XXX) gives the alignments and other particulars of the underground mains for filtered water of the city. The map also shows the further extensions of the distribution system according to the recommendations of the 1945 Committee of Experts. It is beyond dispute that water-supply system of the city of Calcutta is very unsatisfactory and requires immediate attention. If the population increases at a rate faster than that on which the recommendation of the Expert Committee of 1945 is based, even the somewhat liberal provision recommended by that Committee will be found to be inadequate in a few years' time. It is therefore necessary that Government should take action to work out a long-term project for the water-supply of the city of Calcutta and the surrounding areas. These areas cannot be left uncared for if a healthy and prosperous growth of the city is looked for. The Commission

is however satisfied that it is beyond the resources and organisation of the Corporation of Calcutta to undertake a vast work such as the proposed long-term scheme for the supply of water for the city and its surroundings forming what is popularly called "Greater Calcutta". A special strong Expert Committee has to decide the details of such a scheme.

53. Coming back to the report of the Expert Committee of 1945, the Commission desires to draw attention to some of their special recommendations. As the Commission is not an expert body, it can only express its general opinion on the various topics dealt with in the report. The first important point is the utilisation of an alternative source of supply of water for the city. The whole water-supply (both filtered and unfiltered) of the city is at present drawn from the river Hooghly,—the sources being located for (i) filtered water at Pulta,—a good distance from Calcutta,—and for (ii) unfiltered water at two points near the city, viz., at Mullick Ghat and Watgunge. We have seen that these two sources have not been fully and effectively utilised to supply the needs of the city. It seems to us that if in addition to the existing sources a copious supply of water can be obtained near the city or within the city, the problem becomes easier of solution. The Committee has suggested the utilisation of ground water to be obtained by sinking tube-wells of sufficient capacity in different parts of the city. With reference to the Maniktolla area, the Committee suggested the sinking of tube-wells for the supply of both filtered and unfiltered water for that area. This appears to the Commission to be a sound recommendation and will, if implemented, be a move in the right direction. The first step obviously is to determine by sinking of one or two tube-wells in the area whether sufficient water will be available from the tube-wells recommended by the Committee. If the results are found to be favourable, the scheme should be given effect to without further delay.

54. The second point is regarding the abolition of the unfiltered water-supply in the city. All experts who investigated this problem in the past unanimously agreed that the dual system of water-supply should be discontinued, but no action has so far been taken by the Corporation or the Provincial Government to implement the proposal. It is a standing disgrace for a city like Calcutta to allow the continuance of the system of supplying unfiltered water even for watering the streets and flushing the water closets, not to mention the various other uses to which the unfiltered water is put by the people of the city to the great detriment of their health. The question of finance ought not to stand in the way of giving effect to this essential measure for the welfare of the city's population. The Expert Committee of 1945 however recommended the retention of the unfiltered water-supply for the time being as a temporary measure obviously on the ground of finance. All the recommendations of the Committee which are given in Appendices XXXI and XXXII of the report have, we understand, been accepted by the Provincial Government, but action is being taken to implement only a small part of the scheme. It is not known how long it will take to give effect to the recommendations of the Committee which after all are not meant to solve the problem on a long-term basis. The Committee's scheme provides for a continuous supply of 122 to 132 million gallons of filtered water per day. This was based on an estimated population of 3.5 millions in 1956. In practice however the growth of population is expected to be much higher and the Commission is of opinion that for a satisfactory solution of the water-supply the requirements should be based on a population of about 5 millions. For satisfactory working of the water-supply system of the city, three factors are necessary, viz., (i) ample supply of water at Tallah, (ii) adequate pressure both at the beginning and end of the zones so that an

optimum pressure is always maintained at all points in the street mains whence water is supplied to premises and (iii) provision of correct size of street mains so that the pressure may not drop in the mains themselves below a permissible limit, leaving very little of it for the supply of water in the premises. The pressure ought to be about 100 feet at Tallah, 75 at zone centre and not less than 40 feet at points of supply on the street. These conditions are far from being fulfilled at the present time (*vide Appendix XXVII*). It will be seen that it is quite impossible to supply the required quantities of water to rate-payers if the present conditions are allowed to continue. There are now no auxiliary pumping stations in the city to augment the pressure. It is true that a rapid growth of population and consequently a larger demand of water all over the city have to a great extent brought about the present state of affairs. Even then we consider it to be the duty of the Corporation to keep pace with the demand and make suitable arrangement to augment the supply and improve its distribution. We have heard a good deal about waste of both filtered and unfiltered water in Calcutta, but it does not appear to the Commission that any effective measures have so far been taken to stop this waste. The waste of water in the streets, particularly unfiltered water can be seen by any one. It is clear that the Corporation has not so far been able to stop the irregular practice.

55. The Commission has received a report from the Chief Engineer of the Corporation which describes the action that is being taken to implement the recommendations of the Expert Committee of 1945 (*vide Appendix XXXIII*). It has been rightly pointed out by the Chief Engineer that the short-term scheme was supposed to cover the needs of the city up to the year 1956, but already 3 years have elapsed without any substantial progress being made for the implementation of the scheme. The Commission considers that very vigorous action should be taken both by the Provincial Government and the Corporation to give effect to the recommendations of the Expert Committee of 1945. The short-term scheme should be considered as leading to a long-term scheme which the Corporation will be called upon to handle before very long. Moreover until and unless the short-term scheme is fully implemented the *modus operandi* for carrying out the long-term scheme cannot be exactly determined.

56. One of the most striking recommendations of the Committee is the installation of one central boosting station at the junction of Dharmatolla Street and Circular Road. The two zone mains passing through this point should be connected together and the booster should raise the pressure there to 120 feet. The Committee has found this to be necessary to maintain a suitable pressure (minimum 40 feet) at the houses on the farthest points during the hours of heavy draw-off. The proposed boosting station may improve the pressures in the southern portion of Calcutta, but as regards the northern part of the city it is only hoped that with an increase of supply from Pulta and a remodelling of the distribution system, there may be a material improvement.

57. As regards the present condition of the different equipments installed at Pulta and Tallah for filtered water-supply, and at Watgunge and Mullick Ghat for unfiltered water-supply, the pumping units have been in use for over 20 years and very careful maintenance is necessary to prolong their lives for any considerable period. The boilers at Pulta are to be overhauled and this work, it is understood, is in progress.

58. The Commission is of opinion that the sooner the use of steam is eliminated in the pumping stations the better for the efficient running of the system. The supply of coal specially at Pulta has not been an easy problem.

59. The 1945 Committee even went so far as to recommend the building of a siding from Barrackpore to Pulta to bring coal at that station as the transport of coal by boats across the river from Bhadreswar has been found wasteful and inefficient. In the opinion of the Commission the building of this siding at a cost of Rs. 5 lakhs may be held over for the present and action taken as soon as practicable to eliminate the use of steam for running the units at Pulta and Tallah within a reasonable time and replace the existing steam sets by electric motors. Arrangement may be made with the Calcutta Electric Supply Corporation for the supply of energy at these stations at special rates. It is uneconomical to continue to work with old boiler plants and spend a considerable amount in the purchase, transportation and handling of coal. A large staff is employed for this purpose, and we have reason to believe that there is considerable waste and leakage. It will be a great advantage from every point of view if all steam plants be replaced by electric plants in the pumping and drainage stations of the Calcutta Corporation.

60. Though the Commission recommends the implementation of the scheme of water-supply, both filtered and unfiltered, as proposed by the Expert Committee of 1945, the Corporation should, in its opinion, make necessary arrangements for working out the long-term scheme, the preparation of which ought to be started at once. For this purpose another strong Expert Committee will be necessary to carry out detailed investigations and prepare a suitable plan which can be implemented without undue delay as has happened in the case of 1945 Expert Committee's scheme.

61. Taking a long view of the matter, which should be the only view to take, in the case of a growing city like Calcutta, the Commission makes the following recommendations for the improvement of the water supply of Calcutta:—

- (i) There should be only one system of supply of water for the city of Calcutta. The unfiltered water-supply should be abolished as quickly as possible. The unfiltered water mains after proper treatment will be available for the conveyance of filtered water.
- (ii) There should be "continuous supply of safe" water under suitable pressure. There is no difficulty in doing this. In addition to the supply from Pulta, alternative sources of ground water (tube-well water) should be provided within the city after proper investigation.
- (iii) The supply that should be arranged for should not be less than 300 million gallons per day. This figure has been arrived at on the assumption that provision should be made for 5 million people in Calcutta with 60 gallons of water per head for all purposes. This allowance ought to be adequate.
- (iv) The remodelling of the distribution system is an urgent necessity. The map of the water-supply system annexed to this report embodies the suggestions of the Expert Committee with regard to this point. The distribution should be equitable and according to demands based on population. The use of very thin pipes should be discontinued.
- (v) According to expert opinion the use of any main less than 6 inches for unfiltered and 4 inches for filtered water in the streets ought not to be permitted. The city proper should continue to be divided into 4 zones and mains of proper size should radiate from Tallah to the zone centres.

Distribution to the area under each zone should commence from the zone centres. Similarly there should be one zone for Maniktolla and another for Cossipore, with necessary distribution systems for these areas.

(vi) *Prevention of waste.*—The waste of water is excessive in Calcutta. It ought not to exceed 10 to 15 per cent., in well organised water-supply system. In Calcutta, we are informed, it is very much more than this. This brings in the question of metering. Unless a universal system of metering of all water connections to premises is introduced, it will be quite impossible to stop the waste of water that takes place in Calcutta. In addition there should be house-to-house inspection for leaky taps and also regular night inspection for finding leaks in the mains.

Administration of the Water-Supply Department.

62. Superior supervision of the department is vested in the Executive Engineer who is assisted by a Deputy Executive Engineer, 1 Resident Engineer, 1 Sub-Engineer, 1 Testing Officer, 1 Assistant Testing Officer, 4 Supervisors, 13 Overseers, 75 Inspectors, one Head Pipe-layer and 6 Pipe-Layers, 4 Ground Hydrant Inspectors, 1 Special Inspector of Tube-wells and 5 Sub-Inspectors of Tube-wells, 5 Assistant Sub-Overseers, 4 Draftsmen, 2 Estimators, a large clerical establishment besides engineering, technical and skilled and unskilled labour staff at Pulta, Tallah, Mullikghat and Watunge pumping stations.

63. The Overseers and Inspectors possess no uniformity of qualification but are a queer assortment of men. In the rank of Overseers Pramatha Kumar Ghosh and Krishnulal Ghosh are passed Sub-Overseers from Shilpore. Digesh Chandra Mukherjee is a B.Sc. with distinction and Subodh Chandra Bose is a B.L., while Girindra Nath Ghosh Dastidar is a Matric. and Sk. Md. Yusuff is said to have read up to Matric. Amongst the Inspectors while Sachindra Nath Mitra is an A.M.E., i.e., a graduate in Mechanical Engineering from Jadavpore, Rabindra Nath Chakravarty and Birendra Kumar Munshi are passed Sub-Overseers, Dharendra Chandra Sen Gupta, Sanat Kumar Mitra and Sushil Kumar Sen are Lower Subordinate passed; there are many who are Matrics. and non-Matrics. and there are others whose qualifications are not known to the department. In the Tube-wells Department three of the Inspectors are non-Matric, one is a Matric., one I.Sc. passed and another a passed Mechanical Engineer from Jadavpore.

64. The budget for 1949-50 provides for an expenditure amounting to Rs. 55,26,000 which is made up as follows:—

	Rs.
On account of superior supervision and miscellaneous charges	5,74,200
Pumping Station establishment, maintenance and miscellaneous charges	35,53,300
On account of filtration of water	9,47,700
Establishment, maintenance and miscellaneous charges on account of supply of water to shipping	2,42,000
Maintenance of water mains and branches including filtered water supply by Corporation lorries, inspection of ground hydrants, etc...	2,08,800
Total	55,26,000

Out of the aforesaid amount, Rs. 13,80,000 is provided for coal alone for the pumping stations, and Rs. 4,75,000 for the maintenance of engines

and boilers and over Rs. 3 lakhs for the labour establishment. The provision for Pulta Pumping Station includes Rs. 1,40,000 for overhauling of two boilers, Rs. 40,000 for overhauling coal-crushers and Rs. 1,60,000 for purchase of spare parts.

65. Besides the income from water-supply to premises which is included in the 22 per cent. consolidated rate on the valuation of holdings, an estimated income from water works for 1949-50 is made up of the following separate items:—

	Rs.
(a) Sale of water to shipping	3,25,000
(b) Extra fees for overtime work payable by parties	30,000
(c) Sale of water to municipalities and cantonments	2,00,000
(d) Sale of water for non-domestic purposes	5,20,000
(e) For building purposes	50,000
(f) To persons outside Calcutta, e.g., Barrackpore Railway Station, Barrackpore Park, Ronaldshay Hut, Maidan Camp, Indian Troop Canteen, Kamarhati Dispensary, Outram Ghat Landing Stage, Legislative Council Chamber, Calcutta Turf Club, etc.	1,00,000
Total	<u>12,25,000</u>

66. A noticeable feature which acts as a discredit to the department is the rampant wastage of water from ground hydrants and street stand-posts. It is one of the duties of the 75 Inspectors to prevent wastage of water through street fittings, house fittings, mains and pipes, their other duties being detection of cases of use of water for non-domestic purposes or business purposes, taking meter readings and collection of water charges.

67. On the question of failure to prevent water running into waste from ground hydrants and street stand-posts, the Executive Engineer reported—"The stand-posts are generally mishandled by the public by inserting wedges or tying round with ropes thereby putting the self-closing devices out of action. The damage to the fittings whenever noticed is put in order and the wastage is stopped. * * * *

Unauthorised persons open the hydrant by means of improvised devices and thereby damage its fittings and leave it to run to waste. These are repaired only to be damaged again. Our best efforts have failed to prevent such damage to the fittings and wastage of water specially with regard to hydrants situated near *bustees*, *khatalas* and lorry garages. With a view to stop effectively the damage to and wastage of water through street fittings, there is a proposal (Corporation, dated 8th January 1947) to provide in the present Act similar provisions as in the old Act of 1899 for prohibiting and penalising their misuse. The matter was communicated to the Government in January 1947." The Executive Engineer further reported that so long as the people, specially those living in *bustees*, do not get sufficient water for their ordinary domestic use, mere preventive or penal provisions will not be of much avail. Absence of any arrangement of water for *khatalas* or the absence of proper garage accommodation with arrangement of water for washing purposes of lorries, buses and rickshaws is bound to result in the tampering of ground hydrants and the consequential wastage of water. It goes without saying that filtered water-supply should be so increased as to assure reasonably sufficient water for the *bustee*-dwellers that there should be a sufficient number of bathing platforms maintained for the use of the public and the cattle should either be removed from the municipal limits or housed in

properly licensed *khatalas* with adequate arrangement for water and that strict measures are adopted to compel the owners of buses, lorries and rickshaws to have a proper housing accommodation where they can wash their vehicles. Measures in the aforesaid directions will not only prevent wastage of water, but will add to the income of the Corporation. The following figures showing actual realisation of charges for use of water for non-domestic and building purposes will furnish a clue to an increasing source of revenue which, if properly tapped, is capable of yielding much larger income:—

Year.	Actual realisation of charges for use of water for non-domestic and building purposes.	No. of cases on Demand Register.
Rs.		
1940-41 ..	1,92,740	3,437
1941-42 ..	2,06,170	....
1942-43 ..	1,65,696	....
1943-44 ..	1,69,388	....
1944-45 ..	2,36,870	....
1945-46 ..	2,51,418	....
1946-47 ..	2,49,611	....
1947-48 ..	3,30,102	6,670
1948-49 ..	3,90,958 for 3 quarters and 1,50,000 expected during the current quarter.	....

The Commission is not satisfied with the measures adopted by the Corporation to prevent wastage of water. A random inspection of the diaries of the inspectors leaves ground for thinking that their services are not utilised to the best advantage in that direction.

68. There are only 1,663 house meters. Meters are connected only in the following cases:—

- (1) Where it is suspected that more water is consumed than is allowable for the rate paid.
- (2) Where connection is granted temporarily before attachment is made.
- (3) Business houses requiring water for non-domestic use, e.g., ice factories.
- (4) Water sold to other municipalities and shipping.

Theft of meters or their parts is very common and the Corporation gives a special free allowance to houses inside which meters are permitted to be fixed. The departmental estimate is that at least 10 per cent. of the meters do not work. The following is an account of revenue derived during the last three years out of excess consumption of water in metered houses:—

	Rs. a. p.
1946-47	1,298 0 6
1947-48	1,103 5 9
1948-49	429 11 3
Total	<u>2,831 1 6</u>

The fall of income in 1948-49 from this source requires to be explained. The usual argument about the general dearth of supply is not very convincing. The probability is that a large number of houses which ought to be metered are not metered and readings are not correctly taken.

CHAPTER XI.

Markets and Slaughter House.

1. **Sir Stuart Hogg Market.**—Opened in January 1874, S. S. Hogg Market is the oldest and the largest Municipal Market in Calcutta.

2. The staff consists of—

1 Superintendent on Rs. 620 per month. Grade Rs. 500—20—700+	D. A. 109.
1 Revenue Officer on Rs. 520 per month. Grade Rs. 400—20—600+	D. A. 91.
4 Sergeants in the grade of Rs. 150—10—200.	
2 Inspectors in the grade of Rs. 150—10—200.	
3 Sub-Inspectors in the grade of Rs. 80—125.	
1 Head Clerk in the grade of Rs. 200—250.	
15 Clerks in the grade of Rs. 60—150.	
32 Collecting Sircars in the grade of Rs. 55—100.	
1 Dufty in the grade of Rs. 40—60.	
1 Dufty in the grade of Rs. 25—35.	
5 Jemadars	
36 Peons	
6 Chowkidars	
6 Fire Khalasis	all in the grade of Rs. 30—1—35+ D. A. Rs. 5.
8 Gurkha Guards	
3 Night Watchmen	
3 Literate Peons	
5 Sweeper Jemadars on Rs. 35—1—40.	
120 Sweepers	
2 Mails	on Rs. 25—1—30.
2 Coolies	
1 Mistry	on Rs. 45—65.
1 Carpenter	
2 Bricklayers on Rs. 35—1—50.	
3 Mollahs on Rs. 35—1—45.	

The total monthly cost in pay of officers and the labour staff attached to the Market amounts to Rs. 20,638. The Corporation has also got to provide food-stuff at concessional rates to 21 peons and 120 sweepers.

3. The gross income derived from the Market in 1945-46 was Rs. 11,41,725, which was the highest in any year in the decennium 1938-39 to 1947-48. The income came down to Rs. 11,00,113 in 1946-47 against an estimate of Rs. 12,24,000 and to Rs. 10,79,475 in 1947-48 against an estimate of Rs. 11,45,000.

4. The actual receipts fell below the anticipated income in 6 years of the decade and exceeded the budgeted amount in 1940-41, 1943-44, 1944-45 and 1945-46. The accounts of 1946-47 opened with Rs. 71,511 as outstandings and with Rs. 77,571 in 1947-48. In 1948-49, the outstandings amounted to a large sum of Rs. 1,66,761. The budgeted income for 1948-49 was Rs. 12,17,000 and the receipts up to the 24th February 1949 aggregated to Rs. 11,66,038. It is expected that actual receipts will reach the estimated income before the end of the current year, the reason for such optimism lying in the fact that the stall-keepers who had combined to oppose a 25 per cent. increase of rent, decided upon 1947 by the Corporation, are now, with the passing of the last Rent Control Act, paying off the arrear dues. The new Act specifically excludes stall-holders in Municipal Markets from its purview. The large arrears which were outstanding at the commencement of the year are mainly due to the above reason.

5. The figures below show how the arrears accumulated year after year from 1938-39 to 1948-49:—

	Rs.,
1938-39	21,380
1939-40	45,785
1940-41	13,485
1941-42	27,680
1942-43	25,037
1943-44	23,907
1944-45	25,735
1945-46	47,288
1946-47	71,511
1947-48	77,571
1948-49	1,66,761

6. Rent is imposed in all cases on daily basis, no matter whether it is fixed or variable. The Market Manual provides for the Collecting Sircars going round daily to every shop and every stall for collection of rent. So far as initial rent is concerned, it is ordinarily required to be deposited in advance. Rule 801 of the Accounts Code lays down that when rent is not paid within the prescribed time, an extra charge of half the amount is levied and collected with the rent as penalty. The practice, however, is that fixed rent is seldom or never collected daily, and the Rule laid down in the Accounts Code has become a dead letter. It is no wonder that it is so.

The Accounts Code has become ancient. It was printed as second edition in February 1919 and since then the Corporation never thought fit to revise it and give it the imprint as embodying the rules in force, for the officers to follow. The Revenue Officer of the Market raised the question about the authority of the Market Manual which was drawn up by Sri Sailapati Chatterjee, in October 1935 when he was the Deputy Executive Officer, but which never received the imprimatur of the Corporation.

7. Be that as it may, the fact remains that the chance of large arrears would be minimised if the Market staff be determined to collect rent every day from every stall or shop making it a rule that those who want to pay for a whole month at a time must do it in advance at the beginning of the month. Respectable business men carrying on their trade in the stalls of the market on a permanent basis for a long time may not like to be dunned daily for small payments of rent and may prefer to make consolidated payment for a whole month. In their case there is no reason why they should be allowed to be in arrears and then called upon to pay. The obvious course should be payment in advance for the month, and unless a stall-holder is determined to be in arrear, there is no reason why he should object to pay for the whole month sometime in the beginning of the month. The Hogg Market Trades Association would have no objection, other factors being non-existent, to such advance monthly payment. It sounds incredible that any single individual carrying on business in the Hogg Market could be in arrear to the extent of several thousands of rupees when the daily rent for a stall in that market is Rs. 2 or Rs. 2-8 at the outside. But this actually happened and the delinquent was a Councillor and Alderman who in his own name and in the *benami* of his minor relations, held several stalls in the market. The individual referred to is Haji Md. Akbar, who in 1942 owed Rs. 7,000 as arrears of rent for the stalls held by him either *benami* or in his own name. At a meeting (See proceedings of the Public Utilities and Markets Committee, dated 15th February 1943, page 5) a member said—"the thing is that the department has not the guts to fight Haji Md. Akbar." To that the retort came from the 1st Deputy Executive Officer—"we are afraid because in the past we had been badly let down." The Corporation conceded to Haji Md. Akbar's converting a stall for dry fruits to a selling silk stall and two other stalls in the same range to dealing in stationery goods which he was doing without any sanction and without payment of any initial rent. The Markets Committee set their seal to that transgression in order that the concession thus granted might act as a sop in return for which the stall-holders might relent to pay his dues. It appeared as if the fault was that of the Corporation and not the defaulter who flouted its authority from the advantageous position of a Councillor and Alderman. The repartee from the 1st Deputy Executive Officer showed where the rot lay. Haji Md. Akbar took 5 years from 1942-43 to pay off the arrear rent, which had taken longer years to accumulate to as much as Rs. 7,000.

Dealing with even smaller men than Haji Md. Akbar, the same remiss is patent from the fact that

at the close of December 1948, Rs. 713-13 was outstanding as rent due from fish stall-holders, Rs. 587-12 at the end of January 1949 and Rs. 712-2 at the end of February 1949. In the Poultry Range, the daily demand on account of hen-coups is Rs. 61-13. At the beginning of January 1949, the outstanding rent amounted to Rs. 824-9 and the month closed with a balance of unrealised arrear amounting to Rs. 903.

8. Mr. Gurner in his report at pages 61-62 observed that there was room for improving the income from the Corporation markets by (1) discontinuing all concessions of space without payment, (2) recovering space allotted without payment and (3) substituting periodical revision of rents, e.g., after 5 years for what he regarded as the ineffectual system of under-assessing rents and relying on initial payment to fill the gap.

9. Taking the clue from Mr. Gurner's report, Government in their letter No. 764-C.M., dated 30th July 1943, urged the Corporation to take steps for augmenting the income from the markets and that letter was placed before the Markets Committee on the 19th August 1943. The Committee agreed in principle that a possible means of improving income from the markets lay in the revision of rents and prevention of encroachments. On the 10th January 1944, i.e., 6 months later the Markets Committee postponed consideration of the matter for a detailed report from the 1st Deputy Executive Officer as also a report from the Chief Accountant in order to ascertain how much capital was invested in the different Corporation markets up till the 31st March 1943.

10. There was no instance in the recorded annals of the Corporation up to the year 1944 of a general revision of rent having been made since the opening of the Hogg Market in 1874, and the duty was imposed on the Corporation to examine the possibility of augmenting the income from the markets as a source, in importance potentially next only to the Consolidated Rate, yielding large revenue in rent, fees and taxes. It is worth while examining how the Corporation discharged that duty in respect of the Hogg Market since the receipt of the Government letter referred to above.

11. Until March 1945, no definite steps in that direction were taken. At the Committee meeting held on the 17th March 1945, it was decided that the rent of permanent stalls be increased by 10 per cent. over the existing rent with effect from 1st April 1945.

12. That resolution of the Committee relating to an increase of the rent of permanent stalls was hedged in by various conditions, such as reduction by 50 per cent. of the rate of rent fixed on 24th August 1943 for extra spaces occupied by the stall-keepers at 9 pies per s.ft. per day in Blocks A, B and G and 6 pies per s.ft. per day in other Blocks as also admitting by the Corporation of the right of the stall-holders to transfer, on payment of 9 to 18 months' rent according to the nature of business, or to take in partners and to change the nature of their business on payment of initial rent equivalent to 90 days' rent.

13. This 10 per cent. increase was virtually not in the way of a general revision of rent as envisaged in the Government letter referred to above, but was, really, the buying of certain rights by the tenants from the Corporation leading to a wholesale alteration in the fundamental aspects of the market. Prior to the passing of that resolution, the stall-holders were only licencees vending goods within the premises made for them by the Corporation, under conditions laid down in the licence and were liable to ejection at the will of the Corporation for violating such conditions. But this resolution gave them far-reaching rights. The resolution was passed by the Committee under the Chairmanship of Mr. R. N. Gaggar, in spite of

strong objection from the department who pointed out that granting the right to take in partners and to transfer would mean sale in its garb—they may be right or wrong—that change of business would lead to abolition of the system of grouping which was an essential feature of the Market and that automatic retirement of the owner of a shop in favour of a new partner on payment of 90 days' rent would militate against the authority under which good conduct of the stall-keepers could be enforced.

14. In March 1946 the Budget Special Committee proposed to increase rent for shops and stalls and the rent from temporary vendors by 25 per cent. This was ratified by the Corporation on 21st March 1946, but effect was not given that year to the proposed increase. In March 1947 also the Budget Special Committee reiterated the same proposal for increasing the rent and the proposal was adopted by the Corporation at its meeting on the 21st March 1947.

15. The question was raised as to whether the existing Rent Control Order was a bar to such increase and an ex-Mayor of the Corporation in his capacity as an Advocate took up the brief for the stall-holders, who combined to oppose the increase. On a reference being made to the Government for elucidation, the order came as follows:—

"In exercise of the powers conferred by the second proviso to clause (3) of section (7) of the Calcutta Rent Ordinance, 1946, as enacted and continued in operation by Bengal Act of 1947, the Governor is pleased to direct that the Ordinance as so enacted and continued in operation shall not apply to any stall, shop, standing shed, Pan or other building in a Municipal market, maintained and managed by the Corporation of Calcutta, which may, on or after the publication of this notification in the *Calcutta Gazette*, be settled with a new tenant."

16. The above order did not resolve the question regarding the applicability or otherwise of the Rent Control Order then in force in the case of settlement of stalls previously made. The combination made by the stall-holders refusing to pay the 25 per cent. increase could not be broken until after the passing of the last Rent Control Act in December 1948, from which time the stall-holders are paying on the basis of the increased rate, which accounts for the increased collections made during this year as shown in the statement given in paragraph 4 of this report.

17. Cases mentioned below will illustrate how the Councillors lightly treated the question of augmenting the income from the Market. Some of the cases show how easy it was for a party to get at a Councillor to act definitely against the revenue interests of the Corporation.

18. On 14th July 1933, the Committee resolved that the space covered by the bicycle stand in the S. S. Hogg Market, measuring approximately 600 s.ft. be allotted to Sm. Gitarani for carrying on a Chemist and Druggist's business on payment of an initial rent of Rs. 10,000 together with a sum of Rs. 5,000 covering the cost of removal of the cycle stand and the construction of the necessary stall which would remain vested in the Corporation. The Corporation was to get in addition a daily rent of Rs. 12. The offer had come from the party who had deposited Rs. 2,500 in suspense account in anticipation of the requested settlement. On 14th July 1933, i.e., on the date of the meeting, a cheque for Rs. 7,500 being the balance of Rs. 10,000 was deposited. Subsequently the party withheld the encashment of the cheque for Rs. 7,500 intimating that she was not willing to pay the daily rent at the agreed rate of Rs. 12. Councillor Maulvi Md. Saadatulla sent in a motion which was received on the 22nd July 1933 for rescinding

the resolution of the Committee, dated the 14th July 1933, regarding the aforesaid settlement and the Committee on 8th December 1933, after postponement of the consideration of the subject at a previous meeting, passed a resolution cancelling the settlement. Subsequently on 23rd March 1934, when the party applied for refund of the deposit of Rs. 2,500, the Law Officer expressed the opinion that the contract was complete and the party had committed a breach of it. The Committee, however, sanctioned the refund. The story is told by an eye-witness who was in the conspiracy, being interested in the party who wanted to escape from the contract, how and with what motive the motion for rescinding the resolution relating to the aforesaid settlement was tabled by that Councillor. The statement of the witness which bears his signature and reveals something extremely sordid, is annexed (*vide* Appendix XXXIV). Councillor Maulvi Md. Saadatulla did not question the settlement of the land with Sm. Gitarani on any ground of policy but he carried the house with him ostensibly by raising the hope of a larger income only if settlement thereof was further advertised. The land remains as it was in 1933 and is fetching no more income than a daily rent of Rs. 2-8.

19. On 5th March 1946 the Public Utilities and Markets Committee sanctioned settlement of what was called the Chota Chandney at the south-west corner of the Vegetable Chandney with Sheik Amjadali for the opening of a hotel. The Chhota Chandney with 4 doors and measuring 1,636 s.ft. was numbered as stall No. 40 of Block H. There were 17 applicants for the stall which was put to auction. The settlement was made with Sheik Amjadali for an initial rent of Rs. 17,000 and a daily rent of Rs. 30, calculated on the basis of the usual rate of Rs. 50 per 100 s.ft. of floor space per month *plus* the 10 per cent. increase as per resolution of the Committee meeting, dated the 17th March 1945. On 26th March 1946 without any application from the party and without calling for any report from the department, the Committee, on the motion of Councillor Mr. Md. Rafique, reduced the daily rent of the stall from Rs. 30 to Rs. 15. Possession of the stall had been delivered to the party on 26th March 1946 on payment of the initial rent. A party is required to open his business within 7 days of the delivery of possession of a stall and rent commences from the date of opening of business within that time. Sheik Amjadali delayed to open the stall and was in arrear of rent. The matter having come up to the Committee, the tactics of temporizing with it was followed. The Committee postponed consideration of the matter on 13th August 1946, 17th September 1946, 12th November 1946, 19th November 1946, 3rd December 1946, 7th January 1947 and 26th January 1947 and ultimately, on the 31st January 1947, decided that rent for the stall should commence from the 1st September 1946. Concessions granted to Amjadali in the matter of rent subsequent to the auction was unfair to other applicants who came to compete and unfair to the Corporation as well.

20. Flower Range Stall No. 16 was settled with Earali and Sk. Basiruddin on 23rd July 1943. The stall was held by Rai Chand Saroggy, who closed it after the Japanese bombing in December 1942. The party however continued to pay rent till the 15th April 1943 after which 3½ months' rent was in arrear. When the question of re-settlement of the stall arose at the meeting, dated the 23rd July 1943, Rai Chand Saroggy offered to pay Rs. 950 as compensation in addition to the arrears due from him. This was not accepted and the stall was settled with Sk. Earali and Basiruddin for an initial rent of Rs. 2,000. The old tenant went to Court and obtained an injunction with the result that the stall is lying vacant even at this distant date and the Corporation has lost the daily rent at Re. 1-7 for the last 6 years and will continue to do so until the matter is finally decided in Court.

21. Stall No. A. 70 stood in the name of Bibhuti Bhusan Pal. On 23rd November 1931, the Markets Committee recognised the partnership of Sachindra Nath Banerjee with Bibhuti Bhusan Pal subject to the condition that the new partner paid 90 days' rent and would have no claim to a lien on the stall in the event of the original allottee's retirement from the business. On Sachindra's death, his widow Geeta Rani applied for mutation of her name as the sole occupier of the stall claiming that Bibhuti Bhusan Pal had transferred his share to Sachindra Nath Banerjee before the latter's death. The matter is said to be lying with the Law Department for years past pending a decision as to whether the stall should be re-settled or not and the rent roll still shows the names of Bibhuti Bhusan Pal and Sachindra Nath Banerjee, who is long dead. The Corporation could have drawn income in initial rent in either case of mutation of the name of Geeta Rani or fresh settlement with some other applicant who offered for it.

22. Stall No. 9 in the New Building, having an area of 310 s.ft. for which the prescribed rent including the 25 per cent. increase is Rs. 5-8 per diem was lying vacant since the 30th December 1945. There were as many as 19 applicants for the stall. The Committee put off the settlement of the stall from time to time until all the candidates except one, fell off and the Administrative Officer on 23rd April 1948 settled the stall with the only candidate in the field with the following remarks:—

"Much revenue has been lost by delay. Settle with Naresh Chandra De on initial rent of Rs. 2,000 and daily rent of Rs. 5-8."

23. The following is a list of vacant stalls to be settled showing the rent derivable therefrom besides initial rent:—

Block and stall No.		Amount of daily rent.	
		Rs. a. p.	
FR 16	.. ..	1 7 0	Case is pending before High Court.
F	Godowns 1 and 2 ..	2 0 0	Used as stores by the Dept. Occupied by the Peons.
H	1-3, 5, 6, 8, 9, 10, 34, 35, 14 ..	40 1 0	
Milk	1-5 ..	450 0 0	per month.
	7-10 ..	11 0 0	per day.
	12 ..	3 7 0	per day.
N.	57, 60-62 ..	1 13 6	per day.
N.R.	2 ..	0 11 0	per day.
C.R.	5, 21 ..	1 3 6	per day.
Writer	1 ..	0 3 0	per day.
Suet	4, 5, 7-9, 10-12 ..	2 14 0	per day.
Bird Range	15 ..	1 3 0	per day.
N.B.	60 ..	2 1 0	per day.
Poultry	63-66, 83-94, 143-146, 153, 154, 175-182, 195-214, 223-230.	18 12 0	per day.

24. We went round the market with a view to finding out how far it has been possible to solve the question of encroachments on passages and open spaces—a problem which had engaged the attention of the Corporation for a long time and to which the Gurner Report drew pointed attention. Encroachments were of two main categories, viz., (1) temporary encroachments on passages by the placing of baskets of saleable goods or benches, etc., and (2) by the construction of show-cases of somewhat permanent nature, adjoining shops and stalls. Both the items came up for consideration at a meeting of the Markets Committee on the 15th November 1943. Consideration of item (1) was postponed pending a report from the 1st Deputy Executive Officer and the Committee heard elaborate arguments of an ex-Mayor appearing as an Advocate on behalf of the Hogg Market Trades Association who denied the shop or stall-keeper's liability to pay any additional rent for the space occupied by the show-cases, re-opening the same question which had been decided at the meeting of

the Committee on the 24th August 1943. According to the decision arrived at at that meeting, the show-cases were allowed to remain provided additional rent was paid at the rate of 9 pies per s.ft. per day in Blocks A, B and G and at the rate of 6 pies per s.ft. per day in all other Blocks, but that decision was altered on the 17th March 1945 when the Committee of that day reduced the rates by 50 per cent., as referred to in paragraphs 9, 10 and 11 above.

25. Consideration of the question regarding temporary encroachments was protracted until the Markets Committee on the 7th February 1944 decided that all encroachments on passages 8 ft. or less than 8 ft. wide should be removed and in the case of broader passages encroachments might remain on payment of extra rent at the rate of 6 pies per s.ft. per day. The Committee definitely directed the removal of encroachments from passages which were 8 ft. or less wide. Encroachments are still in existence on passages of that description in N and K Ranges. To our inquiry, why encroachments on 8 ft. passages are still allowed in spite of the Committee's resolution of the 7th February 1944, the answer was that they were old encroachments which were being charged for at 6 pies per s.ft. per day while new encroachments were discountenanced. The answer surely was not apposite and the allowing of old encroachments on 8 ft. or less wide passages is not in accordance with the directions given in the Committee's resolution referred to above.

26. There was a complaint from the stall-holders of the Fruit Range, that their business in the market was facing ruin, because hawkers, who paid nothing in the way of rent to the Corporation, freely sold fruits from market land outside the Chandney and also because of sale of imported fruits from stalls which were not registered for such purpose and for which the rate of rent was much lower. As to sale of fruits by outsiders from open spaces adjoining and around the market, the staff of the market pleaded that it was not possible to cope adequately with such delinquency unless they were supported by the Police. In its own interests the Corporation should see that the vending of goods on market land without payment of rent is prevented. Unless this is effectively checked, the interest of the legitimate traders is bound to suffer and with it the income of the Corporation from the market.

27. The most glaring instance of unauthorised occupation of market land is provided by, what is known as settlement of a plot of land of the Hogg Market with Mr. Ferozuddin. It is an intriguing case and has been dealt with in the chapter on Buildings Department.

28. The lease has not yet been executed and no steps have actually been taken to recover possession of the encroached land or to remove the structures built thereon.

To Mr. Md. Israel, for his tactful tabling of the motion, to Mr. Yaquab (1st Deputy Executive Officer) for the enthusiastic support he gave to that motion, to the Chairman of the Committee Mr. B. N. Gaggar, for the speed with which he dealt with the matter and to the members of the Committee for allowing themselves to be duped into believing that a cold storage was a great public necessity and they were going to have one within 6 months of the settlement of this land, must be attributed the statement made in the Public Utilities and Markets Committee meeting, dated the 9th September 1945, that "it (a refrigerator or cold storage) is the crying need for this market. Fresh fruits, milk, butter and most of the edible articles will be available by the public in a fresh condition and in great quantity if we could possibly have it. It will be worthy of this great market." It was assured that the building would be so constructed as would provide a cold storage place to be used by the market tenants for storing goods on payment of charges.

29. A gigantic building has been erected on the land in question and it occupies all the space allotted to him and encroached upon. The main building is occupied by the "Society Cinema." In portions of it, there are certain shops and a hotel. One of the shops is a musical store paying a monthly rent of Rs. 200 to Mr. Ferozuddin; three of the shops are oilman and provision stores, one of them yielding a rent of Rs. 300 per month, another Rs. 200 and the third Rs. 150. There is even a *Pan* shop facing Dutt Lane from which Ferozuddin gets a rent of Rs. 60 per month.

30. Besides his income from the Cinema, Ferozuddin derives nearly Rs. 1,500 per month on account of rents collected from the shops in that building. As a condition to the settlement of the land with him, the Cold Storage was to have been completed within 6 months' time, but we are in the fourth year and that condition remains still to be fulfilled. All that talk about market tenants having the advantage of a large-scale cold storage and the public deriving benefit out of it was a mere claptrap. The Corporation has been plunged out of its depths by a crooked deal resulting in the loss of valuable property greedily misappropriated by a private person and it is difficult to visualise when possession of the land trespassed upon will be recovered.

31. The complaint was made by the shop and stall-keepers that business in the Hogg Market was getting dull day by day. There may be some truth in the complaint. It is not for us to enumerate all the causes that might have led to buyers not coming in as large numbers now as they used to do in the past. Without entering into any abstruse question of economics or theorising on a general tendency of depression in the buying capacity of the people, it should be remembered that all Municipal markets have now more rivals in private markets to contend against. For the Municipal markets to hold their ground in future it will be necessary to have a clear grasp of the broad facts and circumstances which acted against their interest in the past and are bound to be more potent set-backs in future unless remedied. The Councillors who constituted the Markets Committee did not play their part in the proper way. In many instances they utilised their connection with the Corporation markets in grinding their own axe. They established their own markets and seduced Aratdars away from the Municipal Markets as in the case of the Fruit Aratdars of the College Street Market. Instances are numerous in which the Councillors had decisions arrived at thoughtlessly by short-notice motions tabled at meetings of the Committee, thereby putting the Corporation to severe loss as in the case of the settlement made with Ferozuddin or in the rescinding of the resolution regarding the settlement of the Bicycle Stand of the Hogg Market. Motions were tabled in most cases with the intention of short-circuiting the department or reducing the chance of opposition. Fancy Mr. A. S. Naskar tabling a motion at the Markets Committee meeting, dated the 15th March 1943, for settling stall No. B42, in the "Books and Pictures Range", with Fatik Chandra De and Samibhu Chandra De for the sale of electric goods, watches, etc. The settlement was made violating the grouping system without even calling for a report from the Market Superintendent. One of the main attractions of the Hogg Market is its grouping system which affords to the customers the advantage of a wide range of selection. This is marred by allowing silk to be sold from an isolated shop in the Fruit Range or Jewellery from a stall in the Confectionery Range as in the case of stalls 59-60 in E Block, *vide* resolution of the Committee, dated the 31st July 1945. It is unnecessary to multiply instances. As in the case of snap motions, equally heinous was the motive underlying delaying tactics adopted in many cases, resulting in serious loss of revenues, as illustrated by the case of settlement of stall No. 9 in the New Building

and the fixing of the date of commencement of rent on account of stall No. 40 of Block H.

32. Besides the large variety of the same class of goods which a customer could choose from at one place, the Hogg Market had enjoyed the reputation of stocking quality goods and selling them at a more favourable price than at European shops. Foodstuffs, particularly meat, milk products and confectionery of the Hogg Market had a reputation and the public reposed trust in their purity because they believed that the health staff of the Corporation were vigilant. If this market is to hold its ground in competition with rival markets, which have grown up throughout the city, the reputation which the Hogg Market once enjoyed in that direction will have to be restored. We came across a case of a number of bottles of Horlicks containing spurious materials. The bottles were seized in November last and samples thereof were sent for analysis. The report of the analyst has not been received even in March. There is no record in the Market Superintendent's office to show how many times any Health Assistant visited the market and to what effect. Information regarding this was asked for from the Health Officer of the Corporation, *vide* our letter No. 1/C 1557, dated the 22nd February 1949, but no reply has yet been received from him. There should be thorough co-ordination between the market administration and the Health Department and more effective attention must be paid towards enhancing the market's reputation about the purity of food articles offered for sale. The mischief done to the market by the Councillors or the department playing fast and loose with the grouping system should be remedied by re-arrangement of stalls, whenever possible. Above all, in the future set-up of the Corporation, either by convention or by the alteration of law, no eleventh-hour motion, at least when it is intended to be in favour of a party, should be possible. This may entail amendment of section 60 of the Act and rule 17 of the Rules of Business adopted under section 66.

College Street Market.

1. This market stands at the junction of the Cornwallis Street and the Harrison Road and was established in 1917. The total area of land on which the market stands is 12 bighas, 7 kathas and 7 chhataks, acquired at a cost of Rs. 16,30,000. The cost of buildings constructed for the market amounted to Rs. 11,74,000.

2. **Staff.**—The Superintendent of the market Sri Monmohan Bhattacherji draws a monthly salary of Rs. 500 *plus* dearness allowance at 17½ per cent. and gets a free house. He has been at this post since 1938 and is about to retire. He is assisted by an outdoor staff consisting of (1) one Inspector on a scale of pay of Rs. 165—10—265 and draws a pay of Rs. 215 *plus* Rs. 43 as dearness allowance, *plus* Rs. 30 as duty allowance and (2) one Sub-Inspector on a scale of pay of Rs. 80—90—5—125 and draws Rs. 120 *plus* Rs. 22 as dearness allowance, (3) a Sergeant who draws Rs. 215 *plus* dearness allowance of Rs. 38 on a scale of pay of Rs. 150—10—300, (4) 15 Collecting sircars on the scale of Rs. 50—60—2—80—4—100 *plus* dearness allowance of Rs. 35 each. The duty allowance of Rs. 30 per month is paid to the Inspector for his also looking after the building at 30, Upper Circular Road, adjoining the Sealdah Railway Station premises, a very old and dilapidated structure where several shops are established.

3. The indoor staff consist of one Head Clerk and six assistants on a scale of Rs. 50—60—4—80—5—135—6—165 and draw in all Rs. 665 in pay and Rs. 240 in dearness allowance per mensem and a dufty drawing Rs. 51 as pay *plus* Rs. 35 as dearness allowance.

4. The menial staff consist of 1 jamadar, 2 ordinary guards, 21 peons, 6 Gurkha guards, 2 night watchmen, 1 fire jamadar, 2 firemen, 1

sweeper jamadar, 1 sweeper sardar, 29 sweepers, 1 methar, 1 mason and 1 cooly mason. Their pay is generally Rs. 30—Rs. 35 *plus* dearness allowance Rs. 25.

5. **Income.**—(I) The Corporation derives income from the Market under the following heads:—

- (1) Rent and fees.
- (2) Initial rent.
- (3) Fines for breach of discipline under rule 154 of the Markets Manual.

Rent is collected from tenants who are classified under two categories, viz., (1) Permanent tenants and (2) Temporary tenants. Permanent tenants have to pay initial rent as a condition to settlement of a stall, over and above the ordinary rent. Such settlement requires the approval of the Committee. Temporary tenants are either season tenants or squatters. Season tenants are a class of tenants intermediate between permanent tenants and squatters. Season tenants do not pay any initial rent for the privilege of occupying a shop, stall or space, although fixed, which they hold almost daily. There are season tenants on fixed rents, e.g., those who hold stalls for fruits, vegetables, poultry, eggs, etc., and on variable rents according to the class and quantity of goods brought, e.g., meat or fish. Then there are the squatters who are *farias* or *chashis* or Hawkers.

(II) The current demand on account of rent from permanent tenants is Rs. 2,14,000. The arrear demand on the 1st April 1948 was Rs. 1,68,417. Collection upto 31st October 1948 amounted to Rs. 83,185. An overall 25 per cent. enhancement of rent was made with effect from 1st April 1946 which has been objected to by the tenants, under the Calcutta Rent Control Order. Out of the arrear demand, Rs. 47,297 is in deposit with the Rent Controller.

(III) The estimated rent demand from temporary tenants for the year was Rs. 1,17,000. Arrear demand on 1st April 1948 was Rs. 64,653. Collection upto 31st October 1948 amounted to Rs. 84,200. A sum of Rs. 15,000 paid as rent under protest is held in the suspense account.

6. **Arrears.**—The heavy arrear of rent outstanding is chiefly due to the Corporation's failure to take adequate steps to enforce the decision about the 25 per cent. enhancement. In the cases of Jaharlal Pannalal, Kamalalay, Paul & Co., the rent was raised from Rs. 100 to 135 per room with effect from February 1945. Jaharlal Pannalal are paying at the old rate of Rs. 500 for 5 rooms to the Rent Controller. Others are paying to the suspense account at the old rate and no action has been taken against them to compel them to pay at the new rate. In the case of stalls E-77 to E-95 the rent was enhanced from Rs. 100 per month per room to Rs. 5 per day and Rs. 5-6 in some cases, with effect from 1st September 1944. R. Mullik holding room No. E-78 applied to the Rent Controller against the enhancement. The Rent Controller decided in his favour but on appeal the Small Cause Court decided in favour of the Corporation on 24th September 1947 holding (though not quite definitely), that the Rent Control Order did not apply to the Corporation markets. In this particular case, besides the stall-holder having brought the issue to a head, the Corporation had the advantage of R. Mullik (a Muslim) selling off his business without sanction to a Hindu, named Sovarani Roy who realised her position as soon as a Distress Warrant was issued and agreed to pay the enhanced rent. The rent outstanding on account of the shop E-78 of R. Mullik was Rs. 10,365-10 upto November 1948. R. Mullik had deposited Rs. 3,958-4 with the Rent Controller. Sovarani Roy, after she agreed to pay the enhanced rent on a Distress Warrant having been issued, paid Rs. 500 on 18th August 1948, Rs. 1,000 on 27th August 1948, Rs. 25 on 6th November 1948, Rs. 30 on 7th November 1948, Rs. 25

on 8th November 1948 and Rs. 170 on 19th November 1948. The balance which still remains to be collected from this shop alone is Rs. 4,707-6.

Considering the loss suffered by the shop-keepers of the College Street Market on account of the riots, the Administrative Officer in July last granted a general remission of the 25 per cent. increase upto the 31st March 1948. After this the Corporation authorities should be no more shilly-shallying but must be up and doing about the collection of arrear rents. Rent fixed on daily basis is seldom collected every day either from permanent or season ticket tenants. This should be insisted upon to minimise the possibility of arrears to accumulate.

7. The College Street Market is daily losing ground and will not be able to compete successfully with the Koley Market attracting *chasis* who bring country vegetables and contribute largely to the income of a market, and its all-told popularity. The Koley Market is essentially a market for wholesale dealers who are able to quickly dispose of their goods in bulk to *farias* coming from other markets including those from the College Street Market. Besides other factors, the contiguity of the Koley Market to Sealdah is its great advantage. The rates of rent are higher in the Koley Market than in the College Street Market. Whereas in the College Street Market the rent is 2 pice per basket of vegetables, in the Koley Market a *chasi* pays 2 annas per basket besides *tola* (a sort of rent in kind). The *faria* pays 4 to 6 annas in the College Street Market but his confrere pays annas 12 at the Koley Market. In the case of heavy vegetables such as gourd or pumpkin, the Koley Market levies the rent in a more sensible way by charging such vegetables per 100 at Re. 1-4 instead of per load.

In spite of the higher rent which the *chasi* tenants have to pay, they prefer to go to the Koley Market instead of going to the College Street Market for 3 reasons, viz.:—

- (1) The comparatively short distance of Koley Market from Sealdah Railway Station where the *chasis* arrive with their goods from all over the suburb.
- (2) The possibility of quicker disposal of their goods at the Koley Market.
- (3) The indifference shown by the Corporation authorities in the matter of attracting the *chasi* tenants. Resolutions passed by the Markets Committee were at times positively inimical to them. Some of those resolutions were inspired by adverse interests as will be evident from the following case:—

There are about 20 vendors who hold stall wherfrom they sell *patal*. Those vendors get their supply from the *Aratdars* of Koley Market and are agents of capitalists. In 1945 the *patal* vendors of the College Street Market wanted that no sale of *patal* by *chasis* should be permitted. The vendors wanted to have a monopoly of the business and the Markets Committee directed that no outsiders or *chasis* should be allowed to bring *patal* to College Street Market. That resolution served two purposes, namely, (1) it gave monopoly of the business of sale of *patal* to a class of middlemen or *farias* to the exclusion of any competition from the growers of the commodity and (2) drove the *chasis* to the Koley Market to the advantage of that market. To encourage middlemen and discourage producers is acting against public interest and ultimately against the interest of the market.

8. **Encroachments.**—(i) In item No. 9 of the meeting, dated the 22nd December 1927, the Market Committee gave the following direction:—

That the Superintendent of the College Street Market be asked to take necessary action against those stall-holders who have occupied more than 2 feet space in front of their stalls by exposing their articles.

In consequence of the above resolution, encroachment upto 2 feet was indirectly authorised and became the general rule. Such encroachment is most prominent in the mudikhana range where the passage in front is narrow, though opposite to the *mudi* shops the *charis* squat with vegetables for sale and contribute substantially towards the revenue of the market every day.

(ii) In the College Street Market no rent is charged for show-cases on two sides of the verandah in front of shops rooms, no matter whether the space occupied by the show cases is within or outside the floor area for which rent is paid by the shop-keepers. All the important shops in the College Street Market open on the roadside. The Superintendent of the market reported: "the occupiers of the rooms have been allowed to construct show-cases according to standard design as prepared by the City Architect or to the design made by the City Architect and approved by the Committee. It is not known if the Committee took the matter into consideration in assessing the rate of rent of the respective rooms. But the rent of the rooms was calculated according to the measurement of the floor space inside the room and the space on the raised pavement outside the room walls has not been taken into account in calculating the rent. It is for the Committee to consider if the space should not be charged for." On the 31st August 1944, the Committee postponed consideration of the matter till the next meeting, and requested some of the Councillors who included Messrs. Md. Israel, J. C. Ghosh, N. D. Srimani, J. L. Saha and D. K. Mazumder to inspect the place and make a report. On the 6th November 1944, the Committee again postponed consideration of the matter and requested the 1st Deputy Executive Officer to suggest what scale of rents should be charged for the spaces occupied by the stall-holders in putting up the show-cases. On the 4th December 1944 the Committee again postponed consideration of the matter for a fortnight pending calculation by the Superintendent of the College Street Market after remeasuring the stalls with the help of the Building Surveyor or any other Engineer of the Corporation, the extra spaces occupied by the respective stall-holders by the erection of the show-cases in excess of the spaces originally allotted to them. On the 25th January 1945 the Committee again postponed consideration of the matter till the next meeting. The matter came up for consideration of the Committee once more on the 27th March 1945. The members present at that meeting were Messrs. R. N. Gaggar (Chairman), Md. Israel, A. K. M. Baquer, D. K. Mazumder, J. C. Ghosh, J. L. Salia, Haji Md. Hossain and Md. Gulzar. The proceedings of the meeting, quoted below, will be worth a perusal.

Haji Mohd. Hossain, who inspected the show-cases in question along with Mr. A. K. M. Baquer, as per directions of the Committee, stated that it would be an injustice done to the stall-holders if any rent was imposed on the show-cases, in view of the fact that these had been built on their own pavement and not on Corporation land.

MR. ISRAIL: What do you mean by saying that these show-cases are on their own land and not on Corporation land?

HAJI MOHD. HOSSAIN: I mean that they were not encroachments but they are included in their shops.

MR. J. C. GHOSH: I would like to know whether there had been a staircase or not or whether the staircase had been encroached by the erection of these show-cases.

DEPUTY EXECUTIVE OFFICER, I: I maintain that they are encroachments, because allotments had been made on measurement and anything beyond that measurement is an encroachment under the law. Here we gave them permission to erect show-cases, but have not charged for same so far.

MR. J. C. GHOSH: Is this wilful negligence on the part of the Executive?

CHAIRMAN: For the time being there is an important point before us to decide and that is, whether these show-cases are actually encroachments or not. In regard to the point raised by Mr. J. C. Ghosh as to why these encroachments had not been charged for, that is a matter between the Executive and the Corporation. By Corporation I mean the Committee.

MR. J. C. GHOSH: I should say that this is a deliberate fault on the part of the Executive that they have not imposed any fee for these encroachments.

Mr. D. K. Mazumdar also endorsed the views expressed by Mr. J. C. Ghosh.

Mr. J. C. Ghosh suggested that a small Sub-Committee be formed to enquire into this encroachment affair.

DEPUTY EXECUTIVE OFFICER, I: If the Committee so desire, I can place before them details as to how many times this matter had been considered by the Committee and how many times they had rejected the proposal. So far as the present case was concerned, every shop had been measured up in order to find how much space was inside the shop and how much space was outside it.

MR. D. K. MAZUMDAR: Have you had the space measured at the time of the allotment of the stalls?

DEPUTY EXECUTIVE OFFICER, I: Yes.

MR. A. K. M. BAQUER: I want to know in what way the show-case is considered to be an encroachment. I am definitely of opinion that the encroachments here are not the same sort of encroachment as in the S. S. Hogg Market.

DEPUTY EXECUTIVE OFFICER, I: Allotments were made at the time this market was constructed. Each tenant was allotted some space and the measurements were kept in our records. After some time some of the parties came forward and stated that they wanted to enclose some more space than was originally allotted to them.

MR. BAQUER: Before the show-cases were made, what was the position of the land?

DEPUTY EXECUTIVE OFFICER, I: It was unused and unoccupied by the shop-keepers. They wanted to construct show-cases there for the display of their goods and it was allotted to them and that is what we call an encroachment.

CHAIRMAN: We originally allotted to them 100 sq. ft. and our rent was fixed on that basis. We find that space to be 125 sq. ft. We propose to charge for it. If it can be proved that there has not been any excess encroachment, we should not make any charge. I suggest that the shop-keepers should be called in and the Committee should hear what they have got to say in the matter.

The Committee agreed.

The parties then came in. Addressing the parties, the Chairman stated that from a measurement of the space occupied by them it appeared that they occupied more space at present than what was originally allotted to them, and they would

have to pay for same. If, on the other hand, they can prove that the space at present occupied by them was less than what was originally allotted to them, they will get a refund.

The parties stated that they erected the show-cases with the permission of the Corporation. The Corporation should have allowed them passage to go into their shops.

CHAIRMAN: We cannot allow the passages to be blocked. Of course we should not make any charge for the actual passage.

The parties stated that they had erected the show-cases on the passages allotted to them as per direction of the Superintendent of the Market and according to Corporation plans.

MR. J. C. GHOSH: I want to know whether we are competent enough to impose any rent on the show-cases where they have encroached.

MR. BAQUER: If it is the policy of the Corporation to impose some additional rent, I am afraid the parties will have to pay.

In drawing the attention of the Committee to the minutes of the proceedings of the Committee, dated 27th November 1936, Mr. Baquer, stated that the show-cases were allowed on the condition that the parties would have to remove them whenever required by the Corporation on one month's notice. No mention was made about the imposition of any kind of rental. It was nowhere mentioned in the proceedings whether these show-cases would be treated as encroachments. Since these shop-keepers had been using these additional spaces for the purposes of show-cases without any objection on the part of the Corporation or without any demand from the Corporation for additional rent, Mr. Baquer felt that there was no cause for imposing any rent for these spaces unless these additional spaces could be treated as encroachments.

MR. J. L. SAHA: The shop-keepers have stated that every shop had a running stairway which was utilised by customers to get into the shops. It is now found that a portion of this staircase has been converted into a show-case with the permission of the Corporation given from time to time. It is further revealed that every shop had an allotted area which did not include the staircase; a portion of the staircase has now been converted into a show-case. Mr. Shaha fully endorsed the view that the Corporation had every right to impose rents for such show-cases.

MR. J. C. GHOSH: If the stall-holders have encroached their own staircase for which no rent had been charged, no rent should be charged for the show-cases, which had been constructed on the staircase.

HAJI MOHD. HOSSAIN: My personal opinion is that these are not encroachments and if any additional rent is imposed, it will be an injustice. In view of the fact, however, that this Committee is always anxious to increase the revenue of the Corporation, I propose that the Committee should consider the matter sympathetically and fix a reasonable rent.

MR. ISRAEL: At the time of the original allotment of the shops the space allotted was meant to be used for some other purpose than the erection of show-cases. Some time later, the shop-keepers applied to the Market Superintendent asking his permission to construct show-cases. The Superintendent gave them the permission but did not forego the right to remove them whenever necessary. These show-cases no doubt enhanced the beauty of the shops and there was a resultant increase in sales. That being, there is no reason why some rent should not be imposed for the show-cases.

CHAIRMAN: We should ask the shop-keepers whether they are prepared to go into arbitration over the matter. If they agree, Haji Mohd.

Hossain on behalf of the Committee and somebody selected by the shop-keepers themselves, might go over this question and suggest some reasonable terms. Supposing the legal opinion is that the Corporation can remove these show-cases on one month's notice, it will be very hard for the shop-keepers themselves.

MR. D. K. MAZUMDAR: If it is actually a case of encroachment I think some fee should be charged.

CHAIRMAN: On the evidence placed before the Committee on this issue, both by the department and by the shop-keepers, it appears to me that it is more a case of deviation by way of bigger or smaller occupation of space than what was originally agreed upon between the Corporation and the shop-keepers and secondly it is a case of encroachment. If the tenants have occupied more space than what they were empowered to do, I expect the tenants would not hesitate to pay to their landlords such excess amount as will be due against them for such excess occupation. From the facts placed before the Committee, it appears that invariably the tenants have occupied more space than what was originally allotted to them. It is absolutely essential that the claims of the landlord should be adjusted *pro rata* to the space occupied by them in excess.

MR. BAQUER: If it is a question of encroachment at all, then the question of imposition of an additional rent arises. In the present case, however, there has not been an encroachment.

CHAIRMAN: Excepting the entrances and the exits there are other spaces which have been occupied by the tenants and these are encroachments. As regards the fixing of rent, I would ask Haji Mohd. Hossain and one nominee of the tenants to go into the matter and work out something which will be acceptable to both parties. In case there is any disagreement between them I can, if the Committee so desires, act as an Umpire.

The tenants, however, when they were informed of the Chairman's proposal did not agree to it. They maintained that the show-cases were not encroachments and as such should not be charged for.

The parties were then asked to retire. The Committee, after some further discussion—

Resolved—That the rents for the spaces occupied by the allottees of the rooms in the College Street Market for the erection of show-cases or otherwise be fixed at the rate of Rs. 60 per 100 sq. ft. with effect from 1st April 1945.

One would think that the matter would end there and the Corporation make a substantial income out of the resolution quoted above which was passed after a thorough discussion of all the pros and cons of the subject. But that was not to be. It was only a much ado ending in nothing. Soon after the previous Committee was reconstituted, at the meeting held on 12th June 1945, Messrs. Dharendra Nath Ghosh and Nitai Chandra Paul tabled a motion for rescinding the resolution, dated the 27th March 1945, quoted above, and the Committee resolved as follows:—

"That further consideration of the matter be postponed for the opinion of the Chief Law Officer as to whether the proposal of charging rent for the spaces occupied by the show-cases in the College Street Market is hit by the Rent Control Order or not." This was nothing but a move to turn down the resolution adopted after a good deal of discussion and delay, deciding to charge rent for the show-cases. Ultimately the whole matter on which successive Committees had deliberated from 1944 onwards and regarding which a decision arrived at one meeting was revoked at another, received a quietus by the Administrative Officer's

order, dated the 25th June 1948, dropping the proposal about charging any rent for extra spaces occupied by show-cases in front of shops. The amount of rent which had accrued, calculated according to the Markets Committee's resolution to charge rent for extra spaces occupied by show-cases, was Rs. 58,391 for the period from 1st April 1945 to 31st January 1948. By that order of the Administrative Officer not only was an accrued income amounting to Rs. 58,391 wiped out but with it was shut out for ever the possibility of a substantial annual income from the source in question. The Law Officer had given his opinion on the question referred to him in terms of the Markets Committee's resolution, dated the 12th June 1945, as to whether charging of rent for the show-cases was hit by the Rent Control Order. The Chief Law Officer was wavering. His opinion, dated the 9th April 1948, was as follows:—

"As I have said, upon consideration of the matter on general principles, I am doubtful about the legality or enforceability of the claim for the rent for the show-cases. Regarding the applicability of the Rent Control Order as you know, there has recently been a decision (of the Chief Judge of the Calcutta Small Causes Court) in favour of the Corporation that the Rent Control Order does not apply to stalls in the markets." He overlooked that the Rent Control Order did not apply to what was outside the tenancy.

In his earlier report referred to, the Chief Law Officer had said that the question was whether a shop-keeper who had taken lease of a room was entitled to use a platform in front of it and the point against the Corporation was that no rent had been charged at the time when the Corporation permitted the putting up of the show-cases. The Chief Law Officer was therefore doubtful as to what view would be taken if the shop-keepers took the matter to Court.

Mr. Gurner had put his finger to the show-cases in the College Street Market as a probable source of more income. The matter had been much too long agitated before successive Market Committees. The show-cases had been permitted subject to the condition of their removal on a month's notice. Therein lay an easy means of bringing the tenants down to reason. It is a pity that the Corporation should renounce such a claim to increased income on an apprehended law suit from the tenants who were clearly occupying space for which they were not paying rent. Many of the show-cases adjoin shoe shops, and it certainly looked as if some of them had been sublet.

9. We shall record one more instance to show how the Councillors constituting the Markets Committee were capable of temporising and how to them the interest of the Corporation was of secondary importance.

In 1925 *aratdars* or large importers of fresh fruits and vegetables were induced to come to the College Street Market from other bazaars, chiefly from the Posta Bazar. On the 8th September 1925 the College Street Market Sub-Committee passed the following resolution:—

"That all *aratdars* or large importers of fruits and vegetables be allowed 4 units, approximately 60 ft. each in Block D, subject to the condition that the rent for daily imports be levied from them as a temporary measure for 3 years at the rate of one pice per each bag, sack, box, cask, case, or basket carried by one person and that this rate of rent be charged double when the load is carried by two persons and that it be charged triple when the load is carried by more than two persons and subject also to the condition that the number of imports to be brought in by each *aratdar* will not be less than 600 per month on average."

This low rent of one pice per basket was fixed as a temporary measure for 3 years evidently with a view to encourage the *aratdars* to come from Posta Bazar where they were being charged at the rate of 6 pice per basket. For the Hogg Market such rent is at one anna. That low rate of rent in the College Street Market which was to have been revised in 1928 was allowed to continue unchanged and not a question was raised about it until after the lapse of 5 years; there was a proposal before the College Street Market Sub-Committee on the 5th July 1930 to revise that temporary arrangement and raise the rental to 2 pice per basket. The Sub-Committee considered the proposal on the 30th August 1930 and for reasons best known to the members of that body, decided to retain the old rate of a pice per basket without assigning any reason whatsoever.

The *aratdars* were located in the Old Chandney where they used to carry on their business during the mango and orange seasons. In 1936 a New Chandney with 20 pucca rooms was constructed at a cost of Rs. 2,70,000 in the northern section of the market. The *aratdars* were shifted to the New Chandney on the 4th December 1938 and were also allowed to occupy the rooms which they used for *guddee* purposes. Electric installation to the New Chandney was completed in May, 1939. No rents were fixed for the rooms allotted to the *aratdars* at the time when they were allowed to occupy them but they were simply told that proper rents for the rooms would be fixed later on by the Markets Committee. On the 8th September 1939 notices were served on the *aratdars* demanding rent for each room at Rs. 15 a month with effect from December 1938. This rental was fixed by the Chief Executive Officer. The *aratdars* declined to pay either this rent or the additional rent on account of electric charges fixed by the department for current consumed by the *aratdars* in the *guddee* rooms. On the 26th March 1940 the matter again came up before the Public Utility and Markets Committee and it was resolved:—

"That the *aratdars* of the College Street Market be charged a rent of one pice per bag, sack, box or basket as now and the rent of each room occupied by them for office purpose be fixed at Rs. 5 per month."

The *aratdars* did not pay that reduced rent and the Markets Committee had before them in the meeting held on 9th September 1940 the following report from the First Deputy Executive Officer: "When the Chandney was being constructed, they (the *aratdars*) came forward and asked for permission for occupation of certain rooms for their *guddes*. This was allowed. Now they want to have these rooms free of rent. The matter was placed before the Committee who fixed this rent of Rs. 5 per room. They were requested to pay this small rent but they were not agreeable. The erection of the rooms, I may inform you, meant considerable expenditure. Any way, this was done at the request of the *aratdars*. Now the question is whether the rent of Rs. 5 should be charged from these *aratdars*. Repeated attempts were made to realise the rent but without any result. The Committee gave them a hearing and they fixed the nominal rent of Rs. 5. On the top of that they did not pay for lights, etc."

The "considerable expenditure" for the construction of the New Chandney with the *guddee* rooms, alluded to in the report of the First Deputy Executive Officer, was nothing short of Rs. 2,70,000 of rate-payers' money. The construction was made at the request and for the benefit of the *aratdars*. The Deputy Executive Officer's report does not show that anything was done up to September 1940 beyond requesting the *aratdars* to pay that small rent to which they did not agree. One should like to know what

emboldened the *aratdars* to refuse to pay for their occupation of the rooms and their using the lights and why should the Corporation feel so helpless about compelling payment. For the answer we have only to turn to the proceedings of the Working Committee meeting of that date as of subsequent dates (*vide* page 10 of Markets Committee meeting, dated the 9th September 1940).

MR. ADAM OSMAN: I suggest that we keep this matter in abeyance for one week and in the meantime I shall discuss the matter with these people.

On suggestion of Mr. Adam Osman, it was resolved—

That consideration of the matter be postponed and that the *aratdars* be asked to send two of their representatives to the meeting next week.

The same matter was placed before the meeting held on 16th September 1940. The Committee resolved—

That consideration of the matter be postponed till the next meeting.

The next meeting was held on the 23rd September 1940 and on Mr. Adam Osman stating that all the *aratdars* were not present in Calcutta and that they would be expected by the 15th October, it was resolved—

That consideration of the matter be postponed till after the Puja holidays.

On the 18th November 1940 the Committee being asked to consider the action to be taken against the *aratdars* for non-payment of rent and additional rent of the rooms occupied by them, resolved again—

That further consideration of the matter be postponed till the next meeting for the presence of two representatives of the *aratdars*.

After the 18th November, the Committee met again on the 25th November, and the same subject on the agenda was disposed of as follows:—

- Resolved*—(1) That the consideration of the matter be postponed for the last time for the presence of Mr. Adam Osman.
 (2) That in the meantime, an inspection be held by Messrs. Mackertich John, N. N. Dalal, Nitai Charan Paul and Adam Osman.

On the 2nd December 1940 the Committee again considered the matter and resolved—

That further consideration of the matter be postponed for an inspection of the site and report by the whole Committee.

At that meeting the representatives of the *aratdars* were present but that much looked-for event or the inspection envisaged in the resolution, dated the 25th November 1940, did not lead to any decision whatsoever as to what steps were to be taken to realise rents from the *aratdars*.

We next come to the meeting held on the 6th January 1941 at which it was resolved—

That in modification of the Committee's resolution, dated the 20th March 1940, a rent of Rs. 2 per month per room besides the full electric light charges be charged from the *aratdars* of the College Street Market for the rooms occupied by them with effect from the 1st April 1940.

The Department interpreted the above resolution as waiving all rent for the period from the 4th December 1938 to 31st March 1940. In the

Government audit, the view was taken that the old rent fixed at the rate of Rs. 5 was to prevail up to the 31st March 1940 until its modification by the Committee resolution of the 6th January 1941 reducing the rate of rent to Rs. 2 with effect from the 1st April 1940. The total amounts outstanding on the 31st March 1941 on account of rent and additional rent due by the *aratdars* was Rs. 480 and Rs. 1,061-10-6 respectively. The Government audit held under objection the action of the department writing off the dues on the strength of the resolution quoted above.

No rent having been paid by the *aratdars*, the electric connection was cut off on the 26th March 1941 but was restored on the following day at the intervention of a Councillor who gave a verbal assurance that the *aratdars* would pay a part of the additional rent (electric charges) by the end of March 1941. This proved to be a mere hoax.

A set of notices were served on the *aratdars* for rent and additional rent on the 20th May 1941 and two of the *aratdars* were picked up to the exclusion of the rest for the issue of distress warrants against them. Again a Councillor of the Corporation intervened. A motion was tabled before the Public Utility and Market Committee on the 11th July 1941 by Councillor Mr. Md. Mohsin Khan proposing that the minimum import of fruits be raised to 15,000 baskets to be levied at the rate of one pice per basket instead of the rent of Rs. 2 per month per *guddee* room and the minimum annual importation of 7,200 baskets at the rate of one pice per basket. To that proposal the department put forth the objection that out of 17 *aratdars* in the College Street Market only 4 were capable of importing more than 15,000 baskets. The motion was withdrawn. Thereafter the matter was placed again before the Public Utility and Market Committee on the 14th November 1941 who referred it to the College Street Sub-Committee. At that time the *aratdars* were in arrear of rent for more than 20 months and heavy additional rent for a much longer time, even after the waiving of the rent from the 4th December 1938 to 31st March 1940. The *aratdars* had got confirmed in the habit of not paying and in that determined attitude of theirs, they were, as is evident, being championed by a number of Councillors. The *aratdars* manoeuvred for a further reduction of rent from Rs. 2 per *guddee* room or the wholesale wiping out of it.

On the 22nd November 1941 the College Street Market Sub-Committee resolved that the representation of the *aratdars* would not be considered unless they paid up their dues within a fortnight. But that direction of the Sub-Committee went absolutely unheeded. At the instance of the *aratdars*, the Deputy Executive Officer directed that the resolution of the Sub-Committee be referred to the Market Standing Committee at its meeting fixed for the 5th December 1941 and that the department was to stay action meanwhile.

The matter came up for discussion at the Committee meeting held on the 16th December 1941. The following, excerpt from the printed proceedings, will show wherefrom the *aratdars* derived their strength and how they were encouraged to defy the Corporation:—

Mr. MOHSIN KHAN: This is a very simple case. These *aratdars* were originally in the Chandney of the College Street Market but they were shifted to a tin shed, which has been causing them not only inconvenience but also loss. Fresh fruits brought in the shed get spoiled owing to the excessive heat and the parties are suffering in many other ways. They were told that they would not have to pay for the room which they occupy but now the department is charging them rent *plus* the electricity consumed. Originally

they were charged Rs. 5 per month for a room but this was subsequently reduced to Rs. 2 per month. Their contention is that the levy on the imports represents rent as well as electric charges.

In reply to the Chairman the Deputy Executive Officer, I, stated that the New Chandney was built at a cost of over Rs. 2 lakhs and the rent the Corporation was getting represented only 1-2 per cent. and even this was in arrears for over 17 months. The Finance Standing Committee had taken up a very strong attitude over all outstanding and at the next meeting on the 19th December 1941 he would have to face them unless this Committee also took a similar attitude. The Committee should accept the recommendation of the College Street Market Sub-Committee. The *aratdars* could not get a room for Rs. 2 per month in Calcutta.

Mr. MACKERTICH JOHN: It costs more than Rs. 2 a month for a sweeper to clean the room.

Mr. MOHSIN KHAN: The basis for the charge is wrong.

DEPUTY EXECUTIVE OFFICER, I: That has got to be seen. Let the *aratdars* pay off the arrear rent and additional rent and we shall consider their representation. As already stated the amount is outstanding for over 17 months.

After some discussion, it was resolved—

- (1) That the *aratdars* of the College Street Market be asked to pay the arrear amount of Rs. 1,809-3-6 (being rent and additional rent) due from them by Friday, the 19th December 1941, failing which immediate action be taken against them by the department.
- (2) That consideration of their representation be postponed to the next meeting for a further report from Deputy Executive Officer, I.

On 2nd August 1943, a revealing statement was made by the First Deputy Executive Officer. In reply to the Chairman of the Committee enquiring about a representation from the *aratdars* of the College Street Market, the First Deputy Executive Officer stated :

"The Chandney which is now used as *arat* by the *aratdars* was built at a cost of nearly Rs. 2 lakhs some 5 or 6 years ago. These *aratdars* had practically ceased doing any business. Only a few unimportant *aratdars* were there. The more important *aratdars* had been carrying on their business in the Burman Market and in the New Market opened by Mr. Taj Mohammed, where they were paying a daily rent of Rs. 2 per room. It was now for the Committee to decide whether they would permit these *aratdars* to continue in occupation of the rooms in the College Street Market on the existing terms and conditions, without practically doing any business for which they had been allowed these rooms. In the interest of the Corporation I have taken action against them and have served them with notice. If the Committee wanted to stay my hands, they would do so on their own responsibility."

The Committee directed that if the *aratdars* pay the arrear rents due up to 30th June 1943 within a week, action against them be stayed; if not, the orders of the Deputy Executive Officer, I, will stand.

The Committee also directed the Superintendent, College Street Market, to submit a report on the petition."

In the meantime Government in their letter No. 764C.M., dated the 30th July 1943, had urged the Corporation to take steps for augmenting the income from the markets as suggested by Mr. Gurner. A summary of Mr. Gurner's suggestions on this subject is embodied at page 62 of his report.

That letter from Government was placed before the Markets Committee meeting held on the 19th August 1943. It was agreed in principle that a possible means of improving income from markets lay in the revision of rents and prevention of encroachments. On the 10th January 1944, i.e., six months later, the Market Committee postponed consideration of the matters for a detailed report from the Deputy Executive Officer, I, and a report from the Chief Accountant as to how much capital was invested in the different Corporation markets up till 31st December 1943. This only shows that the Committee was still temporizing with the general question of augmenting the income from markets either in taking decisive action against encroachments in proper time as in the case of the show-cases or by giving proper direction about the collection of arrear rates as from the *aratdars* whose rents had been fixed at the nominal rate of Rs. 2 per room, 3 years ago.

Following the case of the *aratdars*, we turn to the proceedings of the Market Committee meeting held on the 7th February 1944. The subject for consideration of that meeting was the impending requisition of the *aratdars'* Chandney under the Defence of India Rules for the Calcutta Corporation Food Supply Stores. In this connection a statement was made by one of the *aratdars* on behalf of himself and all others. That statement is to the effect that a certain Councillor, a *persona grata*—who had established a private market of his own was trying to get the fresh fruit *aratdars* of the College Street Market out of it so that they might all go to Burman Bazar and become his tenants. The statement also shows that the then officiating First Deputy Executive Officer, in order to please that influential Councillor, was doing all he could to turn out the *aratdars* from the College Street Market. Following extracts from the proceedings of the Committee meeting, dated the 7th February 1944, will corroborate the allegation made in the *aratdar's* statement:

Mr. P. K. SETT: The Corporation is a public utility body and cater for the health, safety and convenience of the public. It is a pity that the 1st Land Acquisition Collector should requisition these sheds which are used for storing of fresh fruits imported from the country.

Mr. I. B. BEED: I want to know at whose instance these sheds are going to be requisitioned. I understand that these are required for storing foodgrains for the Food Supply Department of the Corporation.

SUPERINTENDENT, COLLEGE STREET MARKET: The Executive wants these sheds which are in his opinion very suitable for the storing of foodgrains.

Mr. H. C. GHOSH: Whoever has done this, he should have consulted this Committee before approaching the Land Acquisition Collector.

CHAIRMAN: The question is whether we can afford to spare these sheds and if so, how the market will be affected. In my opinion it is not possible for us to spare the sheds. I find from the report of the Superintendent, College Street Market, that the Chandney on the southern side of the College Street which was previously used and which is now lying vacant may be requisitioned instead. I suggest that we direct the Chief Executive Officer to approach the 1st Land Acquisition Collector and request him to withdraw the requisition in respect of the *aratdars'* Chandney.

In reply to Mr. I. B. Beed, the Superintendent, College Street Market, stated that there were 15 *aratdars* and if the sheds were taken possession of, these *aratdars* would go to the Burman Market nearby and it would be difficult to get them back. The revenues of the market would suffer considerably.

After some further discussion, it was resolved—

- (1) That the Committee are of opinion that in the interest of the market, it is not possible to vacate the *aratdars'* Chandney which is used for storing fresh fruit and they consider that the Chandney on the southern side of the College Street Market which was previously used by the *aratdars* and which is now lying vacant may be allowed to be requisitioned by the 1st Land Acquisition Collector.
- (2) That the Chief Executive Officer be requested to approach immediately the 1st Land Acquisition Collector and to request him to withdraw the requisition under the Defence of India Rules, in respect of the *aratdars'* Chandney.

It is clear from the above quoted proceedings that a sinister move was made in which the executives of the Corporation provided ready tools to strangle an established business in a portion of the market, built at a cost of nearly 3 lakhs of rupees, and thereby stifle a source of revenue in order that the private interest of a Councillor, who tried to have that business shifted to his own market, might be served.

As long back as on the 31st March 1943 the Finance Standing Committee passed certain resolutions with regard to revenue from the Corporation markets. The resolutions of that Committee which were in the nature of recommendations, were, *inter alia*, that once a rent was fixed no appeal regarding it should be entertained unless the Chief Executive Officer certified it to be a fit case to go to the Committee again; that no tenant should be allowed to enjoy electric connection if the additional rent for it for a month was not paid by the 15th of the next month; and that the question of enhancing the rent for the rooms used as *guddee* be decided by the Public Utility and Market Committee and that "immediate and drastic steps" be taken to realise all outstanding rents and additional rents. At the meeting held on the 19th February 1945 the Markets Committee resolved disapproving the recommendations of the Finance Committee. The Markets Committee seemed to be in a pique because a sister Committee tried to point out what they should or should not do and the Markets Committee on the 19th February 1945 ended their discussions by saying that they wanted to proceed "in strict accordance with the delegations of powers or in consistence to the rights of the members of the Corporation and that final decision in regard to the question of enhancing the rent of the *guddee* and the rental of the baskets will be made after thorough examination." The matter relating to the *guddee* rooms remained pending throughout the rest of the year 1945 and the whole of the year 1946. On the 29th August 1947 the Markets Committee referred it again to the College Street Market Sub-Committee who, on the 19th December 1947, resolved—

- I. That in modification of all previous resolutions, it be recommended:
 - (1) That the rent of the *arats* in the College Street Market be fixed at Rs. 40 per month for each of the *arats*.
 - (2) That each *arat* will get one *guddee* room and not more.

- (3) That *aratdars* will be allowed to keep their imports on the pavement of the *aratdars'* Chandney, the rent for which is included in the above rent of the *arat*.
- (4) That each *aratdar* will be required to pay 3 months' rent as security deposit.
- (5) That each *aratdar* shall have to satisfy the department that he imported at least 5,000 baskets, boxes or packets during each year, failing which he shall forfeit his right to continue as an *aratdar* in the market.

II. That the above resolutions do take effect from 1st April 1945.

The matter being placed before the Public Utility and Markets Committee on the 6th February 1948 it was again put off for a report from the 1st Deputy Executive Officer.

On the 30th April 1948 after the Corporation was superseded, the Administrative Officer approved of the resolutions of the College Street Market Sub-Committee, dated the 19th December 1947, with this modification that the new rates were to come into effect from 1st June 1948. The rent payable by the *aratdars* was due to be revised in 1928 and so it took 20 years to do it. This case presents a somewhat graphic instance of dilatory and underhand tactics adopted in utter disregard of the revenue interests of the Corporation. The Burman Market corroborates the statement of the *aratdar* of the College Street Market. The Burman Market and its vicinity, to the gain of Mr. Madan Mohan Burman and another gentleman named Mr. Tajmohammad who was an Alderman of the Corporation has now become the most important centre of *aratdari* business in fresh fruits in Calcutta. Carts are lined up in the street and the footpath blocked with loads of fruits, and large crowds of *aratdars*, dealers, *beparis* and hawkers from all over the city, take part in the auction of basketfuls of fruits. The *aratdars* are now paying a rent of Rs. 25 per month for a small *guddee* room with a short verandah in Burman Market, though they had refused to pay Rs. 2 per month for a bigger room in the College Street Market Chandney. The trade license at Burman Market is at Rs. 12 which is much less than at College Street Market. Why should such favouritism be shown to the fruit dealers of the Burman Market?

10. The Corporation was deprived of legitimate revenue by the Markets Committee's action in permitting certain associations to occupy rooms of the College Street Market on concession or nominal rent. The Khademal Ensan occupied room No. C. 3 for nearly 12 years on a nominal rent of Re 1 instead of paying the legitimate rent for it which was Rs. 36 per month. Similarly the Corporation Teachers' Union and the Corporation Muslim Teachers' Union occupied Rooms Nos. C. 12 and 13 and 14 for a nominal rent of Re. 1 instead of Rs. 36 and Rs. 18 per month respectively. The Press Club got Room No. C. 40 at a reduced rent of Rs. 10 instead of the proper rent which was Rs. 37-8 per month. This was tantamount to what is called "concealed subsidy" behind the Budget which it was illegal for the Committee to grant.

11. A huge investment on lands and buildings has been made in this market. At the beginning of this report we have given an account of the same. Land alone cost Rs. 16,30,000 and building Rs. 11,74,000 initially. The money was spent in order that it might give a fair return. To say the least, all this money was not judiciously spent. In the beginning 5 bighas, 3 kathas and 7 chhataks of land was acquired in 1914-15 at a cost of Rs. 3,92,000, leaving out a

plot of 7 kathas, 6 chhataks at the corner of the Harrison Road and College Street. This bit of land measuring less than $7\frac{1}{2}$ kathas, essential to the market, was left to be acquired in 1921 after the market was established in 1917 and the value of the surrounding land had gone high. It appears that for this strip the Corporation paid Rs. 2,39,129 to Dr. Haridhan Dutt. One would be tempted to enquire why this delayed acquisition at a fabulous price?

12. The buildings of the market and the way in which they are being maintained do no credit to the Engineering Department. The shopkeepers of the southern and the central Chandney have long been complaining that the roof leaks profusely when it rains. The Superintendent's office which is on the first floor and is as much as nearly 50 ft. in length, divided by low partition walls, is bereft of all plaster in the ceiling, so much so that the iron rods over which the concrete of the roof was laid are now wholly exposed. Iron materials purchased at a cost exceeding Rs. 5,000 for the construction of a sliding barrier on the Sambhu Chatterji Street to protect the market from the goondas of Kalabagan are lying on the roadside since 1946 and getting rusted.

13. On 11th September 1945 the Market Committee passed the following resolution—

(1) That the plan for the proposed 8 stalls on the entire space on the terrace of the ground floor of the Tower Block, College Street Market, be sanctioned.

(2) That the said stalls be numbered as 8, 9, 10, 11, 12, 13, 14 and 15, Tower Block, College Street Market, and the rent be fixed as follows:—

- (a) Stalls 8 and 9—Rs. 31 per month per 100 s. ft.
- (b) Stalls 10, 11 and 12—Rs. 35 per month per 100 s. ft.
- (c) Stalls 13, 14 and 15—Rs. 30 per month per 100 s. ft.

(3) That stalls 8, 9 and 10, stalls 11 and 12, and stalls 13, 14 and 15 be allotted to Messrs. Hindusthan Commercial Bank, Ltd., Messrs. Hooghly Bank, Ltd., and Messrs. Bengal Central Bank, Ltd., respectively, for banking business on payment of monthly rent as per resolution contained in paragraph 2 above, subject to the following conditions:—

- (i) That the period of allotment be fixed for 35 years.
- (ii) That each of the parties shall pay Rs. 20,000 for the cost of construction of the proposed stalls (including the common stair-case).
- (iii) That in the event of the construction of the proposed stalls (including the common staircase) exceeding Rs. 60,000, the parties shall bear the extra cost proportionately to the area of the stalls allotted to them; and in the event of saving from the sum of Rs. 60,000 for the construction of the proposed stalls, the amount shall be appropriated as initial rent for the proposed three stalls.
- (iv) That the parties having mutually agreed, Messrs. Bengal Central Bank, Ltd., be entrusted with the work of construction of the proposed 8 stalls (including the common staircase) under the supervision of the District Engineer, District II, and the City Architect and that Messrs. Bengal Central Bank, Ltd., be directed to submit the accounts of expenditure for the total construction to the Chief Accountant, to settle the terms as per paragraph 3(iii) of the resolution above.

- (v) That Messrs. Bengal Central Bank Ltd. shall complete the work of construction within one year from 1st October 1945 failing which the department shall take up the work at the cost of the parties.
- (vi) That the department be requested to give facilities to Messrs. Bengal Central Bank Ltd. to secure the materials for the construction work at controlled rates.
- (vii) That the parties in no event shall sublet their respective stalls without the previous sanction of the Committee.
- (viii) That the Secretary be requested to communicate the above terms to the parties concerned for their written acceptance within a fortnight from the date of receipt of the letter and the Corporation will be at liberty to reallocate the stall or stalls in case the party or parties does not or do not accept the above terms.

The terms in the above mentioned resolution were accepted by the banks and Rs. 20,000 was deposited by each of them.

Tenders were called and the Bengal Central Bank Ltd. gave the contract for the proposed construction to Sri Sachindra Kumar Basak who is a brother of the Corporation Collector, Sri A. K. Basak. If the resolutions quoted above were acted upon, the work should have been completed by the 30th September, 1946 and would have neared completion before the outbreak of the infamous "Calcutta Killing" which began on the 16th August 1946. On the 22nd November 1948 nothing had been done except hoisting some iron columns and on that day there were only 4 men on the work. In August last an "on-account" payment of Rs. 10,275 was made to the contractor out of Rs. 60,000 deposited by the 3 Banks with the Corporation.

The Hindusthan Commercial Bank Ltd. has complained to the Corporation as also to the Investigation Commission for the failure on the part of the Bengal Central Bank to fulfil the terms of the resolution under which the projected construction was entrusted to the latter Bank. The Corporation undertook liabilities in this matter, apart from the question of losing the rent for the proposed stalls. The excuse proffered by the City Architect that the delay in the construction has been due to unforeseen circumstances, viz., the riots in 1946-47 and the difficulty of obtaining building materials, may not cut any ice in the absence of any action taken by the Corporation either to implement the provision regarding the Corporation itself taking up the work and in the absence of a fresh understanding with the parties concerned. Toying with the work by the contractor and the Corporation being unmindful about it may lead the Corporation to a difficult corner should any party or parties concerned take the matter to Court.

14. The College Street Market is the most important market in north Calcutta and it is unfortunate that it should have to work at a loss. It is true that business in that market suffered from the "August Disturbances" in 1946 and aftermaths thereof. This report will show how the market also suffered from incompetent, thoughtless and unscrupulous management before and after the riots. It will be seen from the statements of accounts of a number of years, as given below, that from 1943-44 this market began to make a headway and yield profits. Complete accounts from 1945-46 could not be had from the Accounts Department.

15. The fact remains that the rates of rent are low and are capable of being raised and that the heavy outstanding rents must be collected by determined action.

The following figures will show how in 1943-44 the market began to yield profit:—

COLLEGE STREET MARKET.

1936-37.

Dr.		Cr.
	Rs. a. p.	
To Establishment ..	.. 45,801 12 0	
,, Sundry charges ..	.. 23,524 6 6	
,, Repairs and Renewals ..	.. 2,628 0 0	
	<hr/> 71,954 2 6	
,, Interest on capital outlay ..	.. 1,69,338 0 0	
,, Rates ..	.. 50,928 12 6	
	<hr/> 2,92,220 15 0	

1937-38.

Dr.		Cr.
	Rs. a. p.	
To Establishment ..	.. 45,653 12 0	
,, Sundry charges ..	.. 21,707 1 3	
,, Repairs and renewals ..	.. 3,152 1 6	
	<hr/> 70,512 14 9	
,, Interest on capital outlay ..	.. 1,69,920 0 0	
,, Rates ..	.. 51,415 12 0	
	<hr/> 2,91,848 10 9	

1938-39.

Dr.		Cr.
	Rs. a. p.	
To Establishment ..	.. 45,248 15 0	
,, Sundry charges ..	.. 21,039 10 0	
,, Repairs and renewals ..	.. 5,496 12 6	
	<hr/> 71,785 6 4	
,, Interest on capital outlay ..	.. 1,69,992 0 0	
,, Rates ..	.. 35,069 10 0	
	<hr/> 2,76,847 0 4	

1939-40.

Dr.		Cr.
	Rs. a. p.	
To Establishment ..	.. 46,381 0 0	
,, Sundry charges ..	.. 23,117 10 3	
,, Repairs and renewals ..	.. 4,836 11 0	
,, Contribution for H. B. tax ..	.. 1,968 2 0	
	<hr/> 78,303 7 3	
,, Interest on capital outlay ..	.. 1,71,162 0 0	
,, Rates ..	.. 35,069 10 0	
	<hr/> 2,82,535 1 3	

Dr.

Cr.

1940-41.

	Rs. a. p.		Rs. a. p.
To Establishment ..	45,961 5 0	By Rent from shops and stalls ..	1,48,688 0 6
,, Sundry charges ..	23,444 3 9	,, Rent from temporary vendors ..	93,102 9 0
,, Repairs and renewals ..	5,726 8 0	,, Initial rent ..	889 1 0
	75,132 0 9	,, Miscellaneous receipts ..	428 3 4½
,, Interest on capital outlay ..	1,71,336 0 0	Balance being nett loss ..	2,43,107 13 10½
,, Rates ..	35,069 10 0		40,182 12 10½
,, Contribution for H. B. tax ..	1,753 0 0		2,83,290 10 9
	2,83,290 10 9		

1941-42.

	Rs. a. p.		Rs. a. p.
To Establishment ..	47,685 10 0	By Rent from shops and stalls ..	1,37,453 15 0
,, Sundry charges ..	19,875 7 3	,, Rent from temporary vendors ..	85,780 10 6
,, Repairs and renewals ..	1,939 9 0	,, Initial rent ..	475 0 0
,, Contribution to H. B. tax ..	877 0 0	,, Miscellaneous receipts ..	335 4 0
	70,377 10 3	Balance being nett loss ..	2,24,044 13 6
,, Interest on capital outlay ..	1,73,400 0 0		54,802 6 9
,, Rates ..	35,069 10 3		2,78,847 4 3
	2,78,847 4 3		

1942-43.

	Rs. a. p.		Rs. a. p.
To Establishment ..	46,034 0 0	By Rent from shops and stalls ..	1,32,371 15 0
,, Sundry charges ..	14,601 12 11	,, Rent from temporary vendors ..	68,574 14 6
,, Repairs and renewals ..	1,220 1 9	,, Initial rent ..	995 10 0
,, Contribution to H. B. tax ..	876 0 0	,, Miscellaneous receipts ..	403 9 7½
	62,740 14 8	Balance being nett loss ..	2,02,346 1 1½
,, Interest on capital outlay ..	1,73,400 0 0		68,864 7 6½
,, Rates ..	35,069 10 0		2,71,210 8 8
	2,71,210 8 8		

1943-44.

	Rs. a. p.		Rs. a. p.
To Establishment ..	46,773 2 0	By Rent from shops and stalls ..	1,27,002 14 6
,, Sundry charges ..	15,362 13 6	,, Rent from temporary vendors ..	87,109 1 9
	62,135 15 6	,, Initial rent ..	3,888 13 0
,, Interest on capital outlay ..	1,15,604 0 0	,, Miscellaneous receipts ..	657 11 9
,, Rates ..	36,793 6 6	Balance being nett profit ..	2,18,658 9 0
,, Balance being nett profit ..	4,125 3 0		
	2,18,658 9 0		

1944-45.

	Rs. a. p.		Rs. a. p.
To Establishment ..	45,865 6 0	By Rent from shops and stalls ..	1,36,692 6 6
,, Sundry charges ..	16,180 2 6	,, Rent from temporary vendors ..	1,08,247 4 11
,, Repairs and renewals ..	39 7 9	,, Initial rent ..	6,330 1 0
,, Contribution to H. B. tax ..	1,868 0 0	,, Miscellaneous receipts ..	867 8 1½
	63,953 0 3	Balance being nett profit ..	2,52,137 4 6½
,, Interest on capital outlay ..	1,17,080 0 0		
,, Rates ..	37,368 0 0		
,, Balance being nett profit ..	33,736 4 3½		
	2,52,137 4 6½		

The Tangra Slaughter House.

There are two different compounds, one for the stalling of cattle before slaughter and the other where they are actually killed and flayed and the meat is graded prior to being put to the market. There is a Superintendent assisted by a staff in charge of the entire Slaughter House. Under the Superintendent there are three clerks, two tally clerks, one jamadar, one night watchman, one peon, eight coolies, one methor and one Dome attached to the live-stock yard, and one clerk, one carpenter, two stampers, four Mollas, 13 coolies, one Mehtor, one Dome, 2 durwans, one night watchman, 2 peons, one jamadar and one lorry driver attached to the actual Slaughter House.

2. The fees charged are as follows:—

	Stalling fee.	Slaughtering fee including examination of the meat.
	Rs. a. p.	Rs. a. p.
Buffalo ..	0 6 0 per diem	2 0 0
Cows ..	0 6 0	1 0 0
Calves ..	0 1 0	0 6 0
Sheep and goat	0 2 0	0 6 0

3. The railings enclosing the live-stock yard are broken at many places with the result that the animals stray about all over the compound.

4. Food is supplied to the animals waiting for slaughter at a certain scale up to 4 seers a day, straw and bran together, for each buffalo. Most of the cows and buffaloes, about 75 per cent. of them, looked emaciated. A doctor, B. N. Majumdar, Special Officer, flaying of skins, Civil Veterinary Department, Government of West Bengal, happened to be present at the Slaughter House at the time. He is in charge of training in his special subject students sponsored by the various provincial Governments under a Government of India Scheme. His opinion was that the emaciated animals were not necessarily diseased so as to make the yielded meat deleterious to human health. He said he had long experience of the Tangra Slaughter House and in his opinion meat which is really bad or dangerous as food is not passed on to the markets. A pertinent query might have been, the Superintendent being met, as to the number of times he had rejected animals, either before or after slaughter, on the ground of their being unfit for human consumption. Dr. Majumdar could not say with any degree of

certainty if all the cows and buffaloes which had been brought to be slaughtered were past the age of bearing calves and giving milk. Some of them at least were not. Up to 4-30 p.m. the Superintendent who is a veterinary surgeon, did not come. It was stated that there was bereavement and typhoid in his family. The attached quarters of the Superintendent were not ready for occupation.

5. This and allied matters formed a subject of discussion with the Health Officer of the Corporation. Slaughtering of prime cows was forbidden by an Ordinance during the war. The period of that Ordinance has expired and under the law as it stands today there is nothing to prevent the killing of cows which are capable of giving milk. In Calcutta, by far the largest number of milch cows are owned by the Goalas who are accustomed to sell off a cow when it goes dry either permanently or temporarily for a period. The butcher is a ready buyer and helps depletion of potential milk-giving stock. Maintenance of cows in Calcutta is a serious question and the Goala is not the person who can be expected to keep a cow in dry period. The solution lies in arrangement being made by the State for maintaining dry cows for a reasonable fee and for returning them to the owners after calving.

6. The stores in the godown were examined. There was not much to be seen as the stores were hardly anything beyond some straw and a few sacks of bran. There were 43 sacks of bran in the godown, each sack weighing approximately 30 seers. The Ledger showed a balance of 36 mds. 14 seers of bran. The actual stock would be about the same.

7. Live-stock began to pass on to the slaughter yard from 3 p.m. 65 cows, 43 buffaloes, 10 calves and 15 goats passed on to the butchers by 4-30 p.m., besides flocks of sheep.

8. The following statement shows the receipts from the different slaughter houses during the following years:—

	Rs.
1941-42	1,35,752
1942-43	1,28,852
1943-44	1,61,228
1944-45	1,16,118
1945-46	1,18,734
1946-47	92,668
1947-48	1,30,755

CHAPTER XII.

Corporation Stores Department.

1. The Stores Department, with the Controller in charge of it, is the Central Organisation through which various departments of the Corporation obtain their supply of materials with the exception of medicines, stationery goods, liveries, printing materials and machines. The purchase of spare parts for the workshop and of those required for electric machineries is made by the Stores Department.

2. An idea of the importance of the Stores Department in the financial set-up of the Corporation may be had from the fact that a sum of nearly 60 lakhs of rupees has been provided in the Budget of 1949-50 for the purchase of various materials. The final estimate on that account for 1948-49 amounted to Rs. 59,01,200. Next only to establishment cost, the purchase of stores as a single item makes the largest claim on the funds of the Corporation in the revenue account every year.

3. The following statement furnishes details of the estimated purchase of stores for 1949-50:—

	Stores separable from labour.	New for 1949-50.	Revised for 1948-49.
(1) Road metal—		Rs.	Rs.
B.I.51B(b) (i) Stone Metal	2,90,000	1,50,000	
B.I.51B(b) (ii) Jhamia metal	70,000	50,000	
	<u>3,60,000</u>	<u>2,00,000</u>	
(2) Fodder—			
B.I.96D(i) (2) Feed (Gowkhana)	4,46,000	4,84,000	
71D(d) Do. (Cattle stock yard)	14,000	18,000	
	<u>4,60,000</u>	<u>5,02,000</u>	
(3) Coal—			
B.I. No. 38B(e) Generation of electricity	2,00,000	2,00,000	
52E(b) Coal for road-rollers	25,000	20,000	
55B(b) (ii) Incinerator	1,500	..	
58C(b) (v) Railways	40,000	40,000	
62C(e) Drainage pumping stations	1,95,000	1,95,000	
63C(f) Water-supply pumping stations	13,80,000	14,41,000	
65C(e) Water-supply to shipping	60,000	36,000	
	<u>19,01,500</u>	<u>19,32,000</u>	
(4) Stores included in the following heads—			
B.I.32D(a), (b), (c) Press stores (papers, etc.)	87,800	1,82,800	
38B(c) and (h) Electricity machinery—Running stores and spare parts, etc.	45,000	22,000	
48C(b) (i) Mosquito Control stores	55,000	50,000	
51B(b) (x) Asphaltum, sand, cement and stone metal.	5,90,000	5,56,000	
51B(b) (xv) Street name-plates	7,900	4,000	
51E(b) Stores for road-rollers	6,500	6,000	
53B(a) Street cleansing stores	2,40,000	2,25,000	
54B(a) and (b) Street-watering hose and miscellaneous stores.	85,000	82,000	
55B(b) (iv) and (v) Incinerator and fuel oil	500	..	
55B(vi) Do.—Spare parts for machinery	500	..	
56C(a) (ii), (iii) and (b) (vi) Railways stores	60,000	88,500	
57C(d) (i) and D(c) Drainage outfall works, miscellaneous stores.	10,000	10,500	
58A(2) (a), (b) and (c) Sewer cleansing stores	27,000	21,900	
59B(a) (ii) House drainage stores	24,500	13,500	
61B(a) and (b) Stores for removal of night soil	26,000	23,000	
62C(h) and (i) Drainage pumping stations, oil and stores.	43,500	52,800	
63C(h) and (i) Water-supply pumping stations, oil and stores.	1,15,000	1,09,000	
64(d) Alum cake	2,50,000	3,50,000	
64(c) Unslaked lime	3,000	3,000	
64(g) (ii) Chlorine, bleaching powder, etc.	1,00,000	1,00,000	
65C(d) and (f) Water-supply to shipping, hose and stores.	36,000	20,000	
68E(c) and (d) Burners, mantles, cylinders, etc.	3,75,000	3,25,000	
70E(c) Cleansing and disinfecting stores (markets).	10,300	12,500	
87(d) Stationery and drawing materials	50,800	82,700	
95B(a) Apparatus (laboratory)	3,000	3,000	
95D(e) Chemicals, etc.	12,000	12,000	
96D(ii) Harness	10,000	10,000	
97D(i) (a) M.V. Workshop Stores and spare parts.	1,50,000	1,25,000	
97D(I) (b) M.V. Department—Running stores—			
(i) Petrol	6,85,000	6,15,000	
(ii) Lubricants	30,000	28,000	
(iii) Tyres and tubes	1,20,000	1,25,000	
(iv) Miscellaneous stores	5,000	8,000	
	<u>32,73,300</u>	<u>32,67,200</u>	
Grand Total	<u>59,94,800</u>	<u>59,01,200</u>	

Other stores for New Works and Entally Workshop Stores.

51B(a) (v) Bituminous road surfacing (new works).	1,35,000	..
91(vi) (I) (a) Workshops—Raw-materials	4,50,000	4,50,000
91(vi) (I) (b) Workshops—Finished materials	1,25,000	1,25,000
Total	<u>7,10,000</u>	<u>5,57,000</u>

4. The above statement shows that coal alone is estimated to cost 19 lakhs of rupees, asphaltum nearly 6 lakhs of rupees, petrol about 7 lakhs of rupees, lighting materials 4 lakhs of rupees, alum 2½ lakhs of rupees, oil and lubricants nearly 2 lakhs of rupees, road metal over 3½ lakhs of rupees and fodder well over 4½ lakhs of rupees.

5. Section 69 of the Calcutta Municipal Act lays down the conditions regarding the supply of any material or goods involving expenditure exceeding one thousand rupees.

6. Chapter XII of the Accounts Code prescribes the Stores Accounts. Under Articles 36 to 57, Chapter III of that Code, the Chief Accountant is responsible for periodical inspection of all accounts of receipt and expenditure of stores and for the verification of stocks at the various stations in addition to his maintaining corresponding account in his own office on the basis of Statements and Returns from all offices receiving and consuming stores. Proper performance of the duties assigned to the Chief Accountant is a pre-requisite condition of the accounting, and utilisation of the stores in the proper way.

7. Stores are broadly classified under two heads, viz., priced stores and unpriced stores. Under the first category are placed such stores as are bought for Corporation works and are used immediately, their cost being charged direct to service heads. The unpriced stores are purchased against suspense head and are stock which are issued according to actual requirements. According to the Account Code, all depot stores are priced and stores purchased for engineering and connected subjects such as the pumping stations, gowkhana, railways, water-supply to shipping are unpriced stores. Tools and plant are included in unpriced stores.

8. Under the rules each department is to make in November an estimate of all stores to be purchased for it for the next year, whether required for works or for other purposes, and whether already included in the estimate of works or not. A consolidated estimate is then prepared by the Controller of Stores who obtains the sanction of the proper authority, calls for tenders and gets contracts executed. The Controller of Stores can sanction purchase of articles included in the Annual Schedule up to the value of Rs. 250 by calling tenders and Rs. 50 on open order, but for all other articles although the purchase is made through the Controller of Stores with proper sanction, the arrangement of funds required for the purpose is the duty of the various heads of departments. On delivery of supplies and after they are approved, the receiving officer is to make out receipts in carbon, one of the carbon copies being delivered to the supplier and the other forwarded to the Chief Accountant. At the pumping stations, details of stores issued daily from stock have to be entered by the Superintendent of the station in the proper form (Form 177) which is required to be written out in duplicate by means of carbon paper. The Store Clerk who belongs to the staff of the Controller of Stores is to make entries in the ledger from the aforesaid vouchers which are called Godown Issue Vouchers. Under Article 1015 of the Accounts Code, the Superintendent of the station is required to draw up in duplicate a Monthly Return in the authorised form on the 5th day of every month, and forward the same accompanied with the connected Godown Issue Vouchers to the Chief Accountant through the Controller of Stores.

9. The Stores Accounts of the various pumping stations were examined. Some of them are mentioned below:—(1) Maniktola Main Drainage Pumping Station and some of its sub-stations, (2) the Palmer Bridge Pumping Station and its two sub-stations, (3) Watgunge Pumping Station and (4) Ballygunge Drainage Pumping Station. At

none of those stations the ledger of stores was found written up-to-date. In utter disregard of the Accounts Rule quoted above, the pumping stations were found to have not sent up the Godown Issue Vouchers and the Monthly Issue Returns for months together. The Ballygunge Drainage Pumping Station has four sub-stations under it. Stock of stores of that station and of sub-stations under it was last taken between 20th December 1948 and 7th January 1949. No postings were found to have been made in the Stores Ledger of those stations in the case of many items of stores since the date of verification of stock and up till 24th May 1949 when that station was visited. Since April 1948 no Godown Issue Voucher or Monthly Issue Returns had been sent up from the Ballygunge Pumping Station. The same was the state of things found at Watgunge Pumping Station where also the balance of stores in the ledger had not been struck in any case since the verification of stock early in January 1949, and the Godown Issue Vouchers and the Monthly Issue Returns were pending since June 1948. At another Drainage Pumping Station, viz., Maniktola, the Godown Issue Vouchers which had been held up for a long time were found to have been tampered with by over-writings 8 months after the actual issue of stores. An inspection of the Maniktola Main Drainage Pumping Station brought to light serious irregularities including misappropriation of certain stores. This formed the subject matter of a special inquiry held by the Commission. The results of the inquiry were forwarded to the Administrative Officer for necessary action.

10. The Accounts Code lays down that verification of unpriced stores should be made without previous notice to the Superintendent of the station and as often as it may be thought necessary. The rule envisages that the stock of such stores should be taken by the Accounts Department more than once in the year. It is, however, surprising that the stock-verifier from the Accounts Office does not go out without notice, nor does he go to the outlying stations more than once a year. A stock-verifier candidly admitted in connection with the enquiry into the affairs of Maniktola Main Drainage Pumping Station that for some years past verification of stock had been reduced to a fiction. The stock-verifier goes out after at least 15 days' previous notice sent to a pumping station and he has often to wait till the Superintendent of the station intimates that he is ready for verification. The stock-verifier simply looks at the last entry in the ledger and counts the stock which the Superintendent may care to show him. During the inspection of the Central Stores, a stock-verifier there who had come from the Accounts Office and was at his work, on being questioned said that he had no time to examine even the arithmetical correctness of the ledger balance and all that he did was to see if the stores pointed out to him tallied with the balance in the ledger.

11. The Commissioners had seen in May 1949 a ledger of stores maintained at the Chief Accountant's office which had not been touched since April 1947. Gross infringement of the rules regarding the writing of the ledger of stores and the submission of copies of the Godown Issue Vouchers and the Monthly Issue Returns coupled with shan performance of the duty relating to stock verification leaves the way open to fraudulent use or misappropriation of Corporation stores as discovered at the Maniktola Main Drainage Pumping Station. A stores clerk made a statement to the Commission and the statement is on the record, that he had on many occasions witnessed quarrels between the staff of a Superintendent's office over the division of misappropriated stores.

12. No ledger of materials drawn from the Stores Department for manufacturing purposes is maintained by the Manager, Entally Workshop. Materials drawn for different jobs are supposed to

be accounted for on the job cards. The entries on many job cards examined on the spot while the work was in progress gave no indication at all of what was the estimate of the quantity of different materials required for the work, how much of the materials was actually drawn and whether the surplus materials were returned to the stores. The immediate predecessor of the present Manager was dismissed from service because of his not being able to account for certain materials drawn by him, but nevertheless, no serious attention is even now paid to the keeping of proper accounts of materials. The Chief Engineer was present during one of the inspections of the Entally Workshop, and he agreed that the job cards were defective in so far as rendering accounts for the materials drawn for a work is concerned and that the cards required to be revised and systematically written up.

13. Centralised purchase aims at—

- (1) securing economies in the procurement of materials on a large scale;
- (2) exercising proper control of stocks through a Central Office, and adjusting them between different departments according to requirements;
- (3) avoidance of unnecessary duplication of stocks;
- (4) elimination of the duplication of labour in procurement, and in the keeping of records which would otherwise arise from unco-ordinated departmental purchasing;
- (5) economy in storage space;
- (6) elimination of graft, or illegitimate use of power or influence for securing municipal spoils by the existence of a large number of independent purchasing agencies.

Such a system, however, may be viewed with disfavour by technical and other departments who come forward with the complaint that the person entrusted with such purchase is often unfamiliar with the needs of those departments and the urgency and importance of their requirements. With a properly organised Stores Department in charge of an experienced Manager technically qualified for the job and assisted by a trained staff who are capable of performing their respective duties and are made to work according to correct procedure, there is absolutely no reason why a centralised Stores Organisation will not function efficiently and satisfactorily.

14. Scattering the purchases of stores over the numerous departments involving an expenditure of nearly sixty lakhs of rupees cannot be accepted as a business proposition. Therefore, the obvious remedy lies in the proper organisation of the Stores Department. This should not be difficult, if the Requisitioning Departments, the controlling authorities of the Corporation and the Chief Accountant's Department work in co-ordination with one another and all unnecessary delays are avoided by each of the above departments in dealing with transactions relating to purchases of stores and their disposal. At present, both the practice followed in purchasing stores and their utilisations are defective.

15. Numerous instances came to notice in which purchasing of stores involving heavy expenditure was not made in the best market. There are instances in which the Corporation incurred serious loss out of sheer sloth and lack of business-like method on the part of the officers and the Councillors.

16. From 19th August 1943 to 31st March 1949 the Corporation arranged to get its supply of coal through Messrs. Kalyanji Mavji & Co. The Corporation arranged the wagons and the contractors were to arrange for the coal for a commission of 8 annas per ton which was reduced to 4 annas per ton in 1948. Payment was made

according to the quantity quoted in the railway receipts and not according to the actual weight received. The arrangement was that the Corporation would pay for the cost at the controlled pit-head selling rate F.O.R. Colliery, the railway freight and the cess charges and also the cost of unloading from the railway siding and transport therefrom to the receiving end. The wagons were received at Bhadreswar, Cossipore Road, Sealdah and Ballygunge Station siding and Shalimar. The stock from Shalimar used to be sent to the steam launches, that from Bhadreswar to Pulta, from Cossipore to Tallah Pumping Station, from Sealdah to Palmer's Bridge and from Ballygunge Railway Station to Ballygunge Drainage Pumping Station. Coal brought to Palmer's Bridge siding was meant for distribution (in addition to the quantity required for consumption at the Palmer's Bridge Pumping Station) to (1) Entally Workshop, (2) Corporation Railway, (3) Asphaltum Department, (4) Water-supply to Shipping, (5) Electricity Generating Department, (6) Topsis Crematorium, (7) Road Rollers of District II and Maniktola, (8) Tangra Pig Slaughter House, (9) Central Disinfecting Station, and (10) for repairs to pipes. Coal sent to Ballygunge Station siding was meant for consumption at the Ballygunge Drainage Pumping Station and the sub-stations under it. The weight of coal according to the railway receipt at which it was paid was always higher than the actual weight of coal received. At the end of 1947-48 at Palmer's Bridge Pumping Station the balance of stock of coal according to the railway receipt was 2,929 tons 19 cwt., whereas the actual balance was 1,878 tons 13 cwt. The Corporation had to pay for 1,051 tons 6 cwt. of extra coal up to 31st March 1948 on account of the supply received at Palmer's Bridge alone. Government Audit Report for 1945-46 pointed out that according to the railway receipt 3,504 tons 2 cwt. of coal were shown to have been supplied through Pulta Pumping Station from the 6th March 1943 to the 29th October 1943, but the quantity actually delivered amounted to 3,409 tons 18 cwt., the shortage exceeding the allowable margin of 2 per cent. by 94 tons 4 cwt. within that comparatively short period. An account of coal supplied to the various stations from 1945 to 1949 under the above-noted arrangement is given below. It shows the quantity according to railway receipt, the quantity actually received and the difference between the two during that period.

Pulta Pumping Station.

Period of supply.	Quantity as per railway receipts.	Corresponding quantity as received on re-weighting at the pumping station.		Short receipt. Remarks.
		Tons.	Cwt.	
20-2-44 to 13-2-45	35,911 17	34,834	9	1,077 17
14-2-45 to 9-4-46	44,558 13	42,879	0	1,679 13
10-4-46 to 30-11-46	24,400 1	23,860	10	638 11
2-12-46 to 7-3-48	51,099 10	49,211	0	1,888 19
8-3-48 to 21-5-49	40,502 13	48,023	0	1,479 13
Total . . .	2,05,572 3	1,98,807	10	6,784 13 3.3 per cent. shortage.

Tallah Pumping Station.

1944-45	..	30,035	15	29,321	14	714	1
1945-46	..	26,903	5	26,415	15	487	10
1946-47	..	29,485	4	28,820	2	665	2
1947-48	..	27,389	1	26,525	9	863	12
1948-49	..	29,174	14	28,544	15	629	19
Total . . .	..	1,42,987	19	1,39,627	15	3,360	4 2.4 per cent. shortage.

Ballygunge Drainage Pumping Station.

1944-45	..	7,865	9	7,637	3	228	6
1945-46	..	6,963	17	6,791	13	172	4
1946-47	..	5,228	13	5,095	17	132	16
1947-48	..	5,837	14	5,622	8	215	6
1948-49	..	6,829	7	6,038	12	199	15
Total . . .	..	32,725	0	31,785	13	939	7 2.8 per cent. shortage.

Palmer's Bridge Pumping Station.

	Total quantity as per railway receipt for I. R.'s issued during the year.	Corresponding actual quantity received by weighment at the pumping station.	Shortage.
	Tons. Cwt.	Tons. Cwt.	Tons. Cwt.
1944-45 ..	.. 11,481 19	11,270 16	211 3
1945-46 ..	.. 11,699 2	11,571 17	127 5
1946-47 ..	.. 13,020 7	13,697 7	223 0
1947-48 ..	.. 13,220 6	13,018 7	201 19
1948-49 ..	.. 11,993 1	11,736 10	256 11
Total	.. 62,314 15	61,294 17	1,019 18 Less than 2 per cent. shortage.

17. It will be seen from the above tables that shortage in actual receipt was more or less a constant feature and the total loss in weight of coal was 3·3 per cent. in Pulta, 2·4 per cent. in Tallah, 2·8 per cent. in Ballygunge and a little less than 2 per cent. in Palmer's Bridge.

18. The following table presents a comparative statement showing the water pumped at Pulta Pumping Station and the coal consumed year by year during six years from 1941-42 to 1946-47:—

Year.	Water pumped (in million gallons).	Coal con- sumed (in tons).
1941-42	54,522	32,817
1942-43	50,749	32,787
1943-44	50,379	33,833
1944-45	54,776	34,689
1945-46	52,696	36,351
1946-47	52,419	38,117

19. The above figures show a progressive increase of consumption of coal at Pulta in relation to the quantity of water pumped from year to year and the rate at which the consumption went on increasing every year varied between 2,000 and 4,000 tons, valued approximately at Rs. 20 per ton or Rs. 40,000 for every 2,000 tons.

20. The Government Combustion Engineer inspected Pulta Station in February 1945 and the Corporation purchased two Bhatpara boilers which were put into operation on the 17th January 1946, as the higher rate of consumption of coal was attributed to the age of the plant and machinery. Instead of any economy achieved, the consumption of coal in 1946-47 exceeded that of any previous year. The Government Combustion Engineer in 1945 had noticed "that coal was being deliberately wasted at the station and green coal was found burning near the ash pit." He inspected that the operating staff was in league with the contractors for removing cinders and that combustible coal was intentionally allowed to pass through the gates for the benefit of the contractors and to the corresponding loss to the Corporation. The Combustion Engineer in making certain recommendations whereby the consumption of coal at the Tallah Pumping Station could be reduced, estimated that 10 tons of coal per day, Rs. 200 per day, could be saved if the two sets of boilers attached to the old and new stations at Tallah were connected with pressure reducing sockets whereby the requisite steam could be obtained by working three boilers of the new station and only one out of the six in the old which, established in 1911, on account of their worn-out condition, consumed approximately 3,500 tons of coal every year more than what the new station consumed. It appears that no action has been taken to give the Combustion Engineer's suggestion a trial. The Corporation incurs an annual expenditure of nearly 19 lakhs of rupees a year solely on account of coal. (See details of estimated purchase of stores for 1949-50.)

Neglect to take precautionary measures against wastage and ensure economy in the consumption of coal must tell heavily on the financial resources of the Corporation.

21. The following statement showing the consumption of coal at the Ballygunge Drainage Pumping Station may be interesting:—

Year.	Total hours of actual work of steam engines.	Quantity of coal actually consumed.	Average consumption of coal per 1,000 hours.
	Hours. Mins.	Tons Cwt.	Tons.
1943-44 ..	.. 17,785 30	6,346 2	356·7
1944-45 ..	.. 22,233 15	6,726 1	302·5
1945-46 ..	.. 21,484 15	6,131 7	285·3
1946-47 ..	.. 15,649 15	4,274 14	273·1
1947-48 ..	.. 15,167 0	4,809 8	314·8
1948-49 ..	.. 16,431 15	5,351 0	325·6

The variation in the rate of consumption during different years is so erratic that the argument which is commonly advanced that the condition of the engine and the quality of the coal are responsible for such variation is not readily deducible from the figures. Calcutta suffered from an acute shortage of coal for domestic use in 1943-44 and also in 1944-45. One may wonder whether, if the lavish scale of 356·7 tons of coal per one thousand hours for working all the steam engines was due to the flight of a portion of the Corporation coal to meet that scarcity.

22. The following cases will illustrate how the Corporation lost its money in purchasing stores:—

(1) Tenders for the supply of cattle food for the period from September 1942 to May 1943 were opened on the 24th July 1942 and the item appeared in the agenda of seven successive meetings of the Committee. After postponing consideration of the matter at six meetings, one after another, the Committee recommended acceptance of some of the tenders at the seventh meeting held on the 6th October 1942. The matter required confirmation of the Corporation, but the tenders meanwhile became time-barred. In the result the Corporation had to purchase the cattle food from the open market at a higher cost than the tendered rates entailing extra expenditure amounting to Rs. 29,031.

(2) In another case of supply of miscellaneous stores during 1942-43 the Corporation incurred a loss of Rs. 12,719 in purchasing from the open market at a higher price than the tendered rate, because there was delay in the acceptance of tenders which got time-barred while being considered by the Committee and the Corporation.

(3) The Controller of Stores recommended on 21st November 1944 for acceptance by the Works Committee the lowest offer made by Messrs. Mitter Brothers on the 17th November 1944 for the supply of 800 pieces of solid drawn brass condenser tubes at Rs. 29-12 each. As the articles were urgently wanted, the Controller of Stores pressed that "the proposal should be placed before the next Works Standing Committee without fail." The proposal was not sanctioned within a reasonable time and the firm on the 31st January 1945 gave a reminder and asked for a decisive reply. The necessary sanction not having been accorded, the firm intimated on the 22nd February 1945 that the articles could not be supplied at the tendered rate. Cash purchase of the articles had to be made from a different firm at Rs. 33-8 each and in the result, due to sheer delay, the Corporation had to incur an extra expenditure of Rs. 3,000 on account of this item.

(4) The Waterworks Department on 18th June 1945 asked for supply of 25 additional reserve tanks for use on special occasion, such as Durga Puja. The Stores Department invited quotations on the 24th July 1945 giving only three days' time.

The lowest offer was that received from Messrs. De & Co., at Rs. 219-6 per tank, who, however, wanted the Corporation to secure permit from Government for the requisite number of galvanized sheets. The next lowest tender was from Messrs. British International Machine Traders who quoted Rs. 270 for each tank. The purchase was actually made at the quoted rate from the latter firm. The indent was placed on the 3rd September 1945 and the supply was received on the 7th September 1945. The department actually took more than two months to select a contractor. There was no justification for limiting the time for submission of tenders to only three days and short-circuiting section 69 of the Act enjoining the necessity for open tenders, in purchasing goods worth over Rs. 5,000.

(5) Nine firms tendered for the supply of sand for asphaltum pavements of roads during the period 1st October 1943 to 30th September 1945. Messrs. Khanna & Bros. made two offers, viz., Bainchee sand at Rs. 6-8 per ton and Oyaaria sand at Rs. 5 per ton which was the lowest tender. The Controller of Stores characterised the tender of Messrs. Khanna & Bros. as informal and quoted the report of the Superintendent, Asphaltum, to show that the Bainchee sand of Messrs. Khanna & Bros. being too fine was unsuitable for the purpose. Basing on the test report of the Superintendent, Asphaltum, the Controller of Stores recommended acceptance of the tender of Messrs. B. N. Dutt and Joygopal Dutt at Rs. 5-2 per ton and Rs. 5-3 per ton. When the matter came up before the Corporation, a Councillor complained that the lowest tender had been unreasonably ruled out. The Chief Law Officer expressed the opinion that there was nothing wrong with the tender of Messrs. Khanna & Bros., but eventually the higher tenders of Messrs. B. N. Dutt and Joygopal Dutt for the same kind of sand were accepted.

(6) Prior to 1945, contracts for the supply of hay used to run from 1st January to 31st December. Early in 1945 the Works Committee came to know that the hay season was from April to September and that the proper time to consider tenders for that commodity was the month of March. The period of contract for hay was accordingly altered so as to run from 1st April to 31st March. Tenders had, therefore, to be invited in February, but the Committee was not able until November 1946 to decide what should be the specification of contract for hay. In the result, no contract was entered into for the supply of hay during 1946-47 and the whole of it had to be purchased from time to time at the prevailing market rates. The rate, however, did not exceed Re. 1-9 per maund till the end of July 1946, but it rose between Rs. 2-10 and Rs. 4 per maund thereafter. During the period 1st August 1946 to 31st March 1947 the Corporation incurred an expenditure of Rs. 50,851 in purchasing hay from the open market. It was estimated that had not the Committee wasted all the time in drawing up the specification of the contract and had entered into one at the beginning of the hay season, at least Rs. 10,000 could have been saved in 1945-46 on this account.

(7) Tenders for the supply of about 40,000 maunds of straw during the year 1946 were opened for acceptance for a period of three months. The Controller of Stores on 18th May 1946 submitted his recommendations which were approved by the Works Committee on 29th May 1946. The proposal had to receive the sanction of the Corporation, but the same was not accorded although half a dozen meetings of the Corporation in which the item was included in the agenda, were held before the currency of the tenders had expired. When on 24th July 1946 the Corporation waked up to dispose of the item by confirming the Committee's recommendations, it was too late and none of the firms agreed to abide by their time-barred tenders. Straw for the Corporation animals had,

therefore, to be purchased from the market from time to time at rates considerably higher than the tendered rates and in consequence thereof an extra expenditure amounting to Rs. 10,000 had to be incurred on this account in 1946-47.

(8) Manager, Pruss Sedimentation Tanks, Bantola, on his own authority, ordered contractors Messrs. N. Gupta & Sons to supply sundry stores including machinery parts for which the contractors submitted a number of bills amounting to Rs. 11,668-15-6. The bills were twelve in number, one of which was submitted in February 1946, seven in July 1946, one in August 1946, two in December 1946 and one in September 1947. The Works Committee of the Corporation (*vide* its resolution, dated 23rd March 1948) sanctioned payment of Rs. 8,815-14-3 for all the twelve bills together. The payment was sanctioned by the Works Committee without having the bills checked by the Accounts Department. In his note, dated 23rd November 1947, the Outfall Engineer doubted the necessity for replacement of the parts of the plant and questioned whether they should not have been provided for under the contract by Messrs. N. Gupta & Sons who were the contractors to instal the plant and had, under the contract, managed the tanks until they were taken over by the Corporation on 28th August 1945 as the necessity for replacing certain parts arose in less than six months. The Outfall Engineer in his note stated:—"I am tempted to the conclusion that the materials supplied were either of inferior quality or the rate of consumption which was excessive immediately after the guaranteed test, was due to the fact that the parts previously supplied were defective which, by virtue of specification, ought to have been replaced by the contractors themselves, but this replacement of spare parts was made at the cost of the Corporation. For instance, I cannot imagine how 16 Gland Bushes had to be replaced in such a short period of nine months when our records show no replacement at all even after one year's running." The Manager of the Pruss Sedimentation Tanks, Bantola, who is subordinate to the Outfall Engineer, had not taken anybody's sanction to the purchase of the stores of such value, and had kept even the Outfall Engineer ignorant of the necessity for such purchase. The Controller of Stores was completely by-passed. No estimates were made, and no contract or quotations invited either. The excuse was eventually made that the materials were of a rare type and could not be had except from Messrs. N. Gupta & Sons, as if they were the manufacturers of the goods and the only manufacturers thereof in India. A scrutiny of the bills which Messrs. N. Gupta & Sons submitted disclosed that none of the articles supplied were manufactured by them, but they just procured them from as many as 41 different firms and shopkeepers. It also appears from the record that some of the materials were not of immediate necessity but were wanted by the Manager merely as reserve stock. Had any heed been paid to section 69 of the Act and the rules laid down in the Accounts Code, the necessity for the articles might have been examined by the proper authority in due time, and the Corporation might have altogether been saved of the expenses or at least have had the advantage of competitive prices. The case gives rise to a strong suspicion of collusion between the contractors and officers of the Corporation and of connivance of the Councillors whereby some money of the Corporation was drained out.

(9) The Lighting Department required glass panes and other articles to repair the street lights of the city so as to restore them to pre-war condition, and glass panes of the value of Rs. 20,910-6 were purchased from Sariakella Glass Works on 25th November 1946 and 31st January 1947 without taking the previous sanction of the Corporation and without inviting tenders. The papers regarding the purchase passed to and fro for a

long time among the requisitioning department, the Stores Department, and the Accounts Department, and were sat upon by the Committee when the proposal reached it on 17th July 1946. The expenditure was ultimately sanctioned by the Administrative Officer on 25th June 1948 long after it had already been incurred.

(10) The Manager, Entally Workshop, had obtained the approval of the Chief Engineer to the purchase of timber for repairs to refuse wagons "to be urgently done during the Puja holidays" and 3 tons 17 cwt. 7 qr. 11 lbs. Sal timber were stated to have been supplied by Messrs. J. N. Roy Choudhury & Co., directly under the Manager's order, dated 6th September 1946. In that order the Manager stated that the timber was required for making doors and windows of stalls in the College Street Market. The timber appears to have been received by the Outdoor Foreman of the Entally Workshop in instalments on 7th September 1946, 10th September 1946 and 19th September 1946, and the party submitted their bills on 20th September 1946 for Rs. 1,597-6. The timber was shown to have been transferred to the Entally Workshop Store on 19th November 1946 and issued to the Outdoor Foreman on the same date. Presumably the material did not actually pass through the Store. The timber, for the purchase of which the Chief Engineer gave his approval for one purpose and the order which was unauthorised was for a second purpose, was said to have been utilised for a third purpose, viz., for repairs to Corporation Steam Launch "Theo" and "Barge No. 1". There was no estimate or sanction for any of the abovementioned works and the present Manager is unable to render any account of the timber, which he says was utilised by his predecessor in office who is no longer in service.

(11) In January 1944, the Manager, Entally Workshop, made direct purchase of six pressure gauges reading 0—300 lbs. at Rs. 140 each with the sanction of the Chief Executive Officer. Prior to his making the purchase the Manager had drawn up a requisition on the Stores Department for the supply of 0—200 lbs. gauges. The non-availability in the Stores Department of pressure gauges of that description provided the reason for the aforesaid purchase, but curiously enough 0—300 lbs. pressure gauges costing on an average only Rs. 8-12 each could be had from the Stores Department at the time. Had it not been on account of a wrong requisition from the Manager, the occasion would not have arisen for buying at a cost of Rs. 840 what could be had from the Stores when the same thing had already been acquired by the Corporation at only Rs. 52-8.

(12) After completion of the contract for the construction of Storm Water Sluice at Kulti, the contractors Messrs. K. C. Ghosh & Co., offered to sell to the Corporation certain surplus materials, e.g., brick khoa, jhama khoa, brick-bats, stone chips, stone metals, sand and bricks. Pending settlement of rates and sanction of estimate for protective works in the Storm Water Sluice, the department took into custody those materials in September, 1940, and the contractors submitted bills for a total sum of Rs. 14,312. The department recommended that Rs. 6,191 should be paid, but as settled by the Special Officer and the Chief Engineer in March, 1941, the Corporation on 26th March 1943 sanctioned Rs. 13,727 for the same materials. Information is not available as to how those materials were utilised, but it appears from a report, dated 6th June 1942, from the Overseer that a "considerable quantity of sand had been washed away and that the other materials were being spoilt on account of weather condition and saline action".

(13) In 1946-47 when the Controller of Stores purchased one hundred tons of hard coke from two firms, Messrs. D. Sandel & Co., and Messrs. D. Banerjee & Co., at Rs. 44 and Rs. 46-3 per ton

respectively, it was not known to him that hard coke was as much a controlled commodity as any other coal and that the ceiling price of hard coke was fixed by Government at Rs. 24 and Rs. 30 per ton F.O.R. coke plant according as the ash content exceeded 24 per cent. or not. The Controller of Stores' ignorance led to a considerable loss of Corporation money (*vide* paragraph 84 of the Audit Report for 1946-47).

(14) Pulta Pumping Station requisitioned for the supply of 100 *kodalis* on 8th April 1948. Messrs. V. Jarton & Co., quoted at Rs. 3-15 per *kodali* which was recommended to the Deputy Executive Officer for sanction through the Accounts Department on 25th January 1949. When sanction was ultimately obtained in April 1949, the party refused to supply at the quoted rate on account of delay in placing the order, and claimed higher rate at Rs. 4-6 per *kodali*.

(15) On 1st August 1948 a requisition was received from the Pulta Water Works for 5,000 fire-bricks. Quotation was invited by the Controller of Stores and offer of supply was received from four parties. On 24th September 1948 the Controller of Stores recommended acceptance of the rates of Messrs. Burn & Co., and Behar Fire-Bricks & Potteries, Ltd. Deputy Executive Officer, I, accorded his approval on 27th September 1948. The Deputy Chief Accountant after holding up the papers for nearly two months returned them to the Controller of Stores with certain queries. The papers were sent again to the Deputy Chief Accountant on 22nd November 1948 asking for the return of connected papers relating to the offer of Behar Fire-Bricks & Potteries, Ltd., which were missing from the file. The Deputy Chief Accountant returned the file on 27th November 1948 with the reply that his office was unable to account for the missing papers. Fresh quotation had to be invited and Chief Executive Officer's sanction was applied for on 10th March 1949. Ultimately the Administrative Officer's sanction was obtained on 13th May 1949. The necessity for the articles having arisen on 1st August 1948, the requisite sanction was not obtained before the lapse of 9 months.

(16) *Tallah Stores*.—(a) The Budget for 1949-50 makes the following provision for stores for this station under three main categories:—

	Rs.
Coal	... 5,80,000
Oil	... 20,000
Miscellaneous stores	... 25,000
 Total	 ... 6,25,000

(b) The budget provision shows the importance of the station with regard to the consumption of stores.

(c) There was no stock verification of this station by the Accounts Department in 1948-49. It is stated that this was due to dearth of staff of the Accounts Department who could undertake the work. The last verification was made between 27th November 1947 and 2nd January 1948.

(d) Considering the extensive consumption of stores at this station, the importance of proper accounting of the same cannot be overemphasised. The same laxity as at other Stores Depots in the submission of copies of Godown Issue Vouchers and Monthly Issue Returns to the Accounts Office through the Controller of Stores could be observed here also. The following shows the date of despatch of the returns during the two years 1947-48 and 1948-49:—

1947-48.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for April, May, June, July and August 1947—Submitted on 17th February 1948.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for September, October and November 1947—submitted on 19th February 1948 and 23rd February 1948.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for December 1947 and January 1948—submitted on 9th March 1948.

1948-49.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for April, May, June, July, August and September 1948—sent up in one bundle on 22nd February 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for October 1948—on 18th March 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for November and December 1948—on 11th May 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for January 1949—19th May 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for February and March 1949—30th May 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for April and May 1949—5th July 1949.

Monthly Issue Returns with carbon copies of Godown Issue Vouchers for June and July 1949 are still due.

(e) There is a wholetime stores clerk, who belongs to the staff of the Controller of Stores, attached to this station. One of the Assistant Superintendents of the station, Sri S. M. Ghosh, who is assisted by two men of the Superintendent's office, looks after the godown and its accounts. Those two men are not paid for this work, but they draw their pay as chlorination mistries. The Assistant Superintendent is a technical man and his employment at the godown practically wholetime is objectionable for the simple reason that the Corporation does not get his or the other two men's services at the posts to which they were appointed. This is understood to be a long-standing practice. If this work is essential it will be proper for the Corporation to sanction the posts instead of allowing technical men to be diverted from their own sphere of work.

23. The Stores Administration is anomalous. The Controller of Stores is supposed to be responsible not only for the purchasing of stores for the various departments and distributing the same regularly to the different consuming authorities, but is also responsible for the proper accounting of stock. He, however, does not exercise that control over stock which centralised management implies. The Controller's clerk, who is incapable of performing his primary duty of maintaining the ledger and furnishing the monthly accounts to the Controller and through him to the Chief Accountant, is a nonentity so far as the holding of stock at the depot is concerned.

24. The consuming departments complain that the present stores organisation is a hindrance rather than help. Their complaint is that the urgency of a requisition is not realised by the Stores Department and unconscionable delay in the supply of materials gives rise to serious inconvenience, even endangering at times the maintenance of an essential service. Delay in supply is no doubt frequent. A list which is typical is annexed (vide Appendix XXXV) showing the date of certain stores requisitioned by the Superintendent of Tallah Pumping Station, some of them so far back as in 1947, which remained to be supplied

even in June 1949. Whether the Controller of Stores is to be blamed for it or the blame should be apportioned between him and the Accounts Department taking more than a reasonable time to check an indent or whether delay was due to the customary lethargy of the Councillors sanctioning the purchase at a meeting and accepting tenders—there can be no forgetting the fact that justification for a Central Stores Department lies in economy in purchases and efficiency of distribution management and accounting of stores.

25. No doubt the present conditions of the country, with scarcity of materials, the contraction of the range of selection, Government control of goods, the uncertainty of the market—all combine to tax the energy of the Controller of Stores and put his own competence and the efficacy of his office to a severe test. As the Manager of a central purchasing agency the Controller of Stores should, however, be, in our opinion, a person who must possess expert knowledge of the conditions of the market, should be able to procure goods of required quality at proper prices. He ought to be able to expedite procurement, keep a control over stocks and maintain correct accounts of all transactions throughout all the branches of his department. From the cases of transactions which were investigated, we are not satisfied that the above requirements are being fulfilled. The cases investigated are only illustrative, and can be multiplied. They amply show how unmethodical and uneconomical the purchases were, for which the Corporation sustained loss of funds. This report also brings to light the state of the accounts of the stores and the way in which the stock is verified leaving the door open to wastage and misappropriation. The principle that irregularity in the disposal of public stores is equivalent to irregularity in the handling of public money appears to have been completely forgotten both by the officers of the Corporation as well as the Councillors, and it is evident that unbusinesslike purchases and lack of proper accounting of stores have from year to year told heavily on the finances of the Corporation.

26. It is our considered opinion that the Controller of Stores should be a technically qualified person (preferably an Engineer) with a good experience of the administration of a Central Stores Organisation. He should have a qualified staff, well-versed in the procedure of keeping accounts of stores and all other detailed works in connection with their purchase, receipt and issue. The Chief Accountant should keep a proper watch on all stores transactions by insisting on a strict compliance with the procedure for the submission and examination of all returns regularly. The Corporation must not unnecessarily delay decisions regarding acceptance of tenders. The Requisitioning and Controlling Officers should expeditiously deal with references from the Controller on all points on which specific instructions are sought for by him. The Commission regret to note that its investigation has proved conclusively that serious remissness has taken place in the administration of the Corporation Stores with respect to almost all the items mentioned above. Complaints of short-handedness have been received by the Commission, but this is not an inherent defect in the organisation and is capable of being easily rectified. We have also been told that great delay takes place in the payment of bills. This is a matter which the Chief Accountant ought seriously to look into. Things have come to such a pass, so we are informed that the Corporation cannot procure articles of any value from firms without cash payment. The impression created by the investigation of this department is that it is not at all working efficiently and we reiterate that a properly qualified Engineer should be placed in charge for the better management of its affairs. The rules laid down in the Accounts Code ought not to be allowed to be violated and the Chief Accountant ought to insist that all accounts should be maintained and rendered according to the rules and procedure laid down

in the Code. All officials guilty of neglect of duty and breach of rules and regulations must be promptly brought to book by inflicting adequate punishment. A sense of duty and a fear of punishments on the part of the employees are the two indispensable conditions essential for the smooth working of any organisation. Unfortunately both these two elements are wanting in the administration of this and most of the other departments of the Corporation.

CHAPTER XIII.

Contracts.

The Commission have examined some of the big contracts granted by the Corporation to certain firms. In this matter of granting contracts and of their execution a representative body like the Corporation is apt to be influenced by or is likely to be overreached by designing people, so that some degree of scrutiny was necessary to ascertain whether contracts were given and carried out without loss to the Corporation. The following is a brief account of some of these contracts:—

(A) Construction of retaining wall and staircase at Nimbola Burning Ghat.

1. The Corporation on 13th June 1928 sanctioned an estimate of Rs. 1,57,390 for improvement of burning ghats and Government sanctioned the raising of a loan of Rs. 1,35,890 for that purpose.

2. On the 7th November 1930, the Corporation sanctioned an estimate amounting to Rs. 82,000 for the construction of a retaining wall and staircase at the Nimbola Burning Ghat, which was one of the several items of work for which the loan of Rs. 1,35,890 was sanctioned.

3. On the 22nd January 1931, the Public Health Standing Committee approved the specification and draft advertisement calling for tenders which was confirmed by the Corporation on the 18th February 1931.

4. Tenders were accordingly called for and out of seven tenders received, the Corporation, on 5th June 1931, accepted the lowest tender of Messrs. Panchu Gopal Chakravarty and Co. for Rs. 49,139-10, it being stipulated that the work would be completed within 18 months from the 4th December 1931, i.e., by the 3rd June 1933.

5. On the 17th December 1931, the Corporation sanctioned an additional sum of Rs. 2,456 as contingency, totalling Rs. 51,595-10.

6. The work which was to have been completed in 1½ years on the 3rd June 1933, protracted for 5 years beyond the stipulated period and was not complete before the 12th June 1938. A temporary post of Clerk of Works to supervise this work on a pay of Rs. 100 plus a cycle allowance of Rs. 10 per month was created, and there were extra works and works in deviation from the contract, involving an expenditure of Rs. 80,149-10 against the accepted tender amounting in all to Rs. 51,595-10. The delay and the extra cost were attributed to the special nature of the work, necessitating construction in the bed of a tidal river, difficulties whereof were said to have been not foreseen.

7. The Corporation, on the 19th November 1934, resolved:—

"That Messrs. Panchu Gopal Chakravarty and Co. be allowed extension of time up to 31st December 1934, for the construction of a retaining wall and staircase at the Nimbola Burning Ghat, it being understood that this is the last extension."

8. The work not having been completed within the extended period, a further extension of time was asked for through the Public Health Committee, who, on 30th March 1935, recommended to the Corporation the granting of another extension of time up to 30th June 1935.

9. The matter came up before the Corporation at a meeting on the 19th August 1935. According to Councillor Mr. D. P. Khaitan the way in which the work was done and the amount of time taken over it revealed a scandalous state of things. He moved as a rider that the Committee be asked to consider the question of enforcing the penalty against the contractors for the inordinate delay in completing the work.

Mr. M. A. Razzak explained that it was not possible to do the work during high tide and also during the monsoon, that the plan and design of the work was changed by the department and that there was some months' delay in the contractors getting the revised plan from the department. He assured the meeting that except only a parapet everything else was finished.

Mr. Sushil Chandra Sen asked, "On a point of information, may I know if the contractors who took up the work knew that the monsoon will set in every year and there will be high tide in the river?"

MR. M. A. RAZZAK: But they did not know that your Chief Engineer will change the plan.

At the end the following resolution was passed:—

(i) "That Messrs. Panchu Gopal Chakravarty and Co. be allowed extension of time up to 30th June 1935, in respect of their contract for construction of retaining wall and staircase at the Nimbola Burning Ghat as suggested by the Chief Engineer.

(ii) That the Health Committee be asked to consider the question of enforcing penalty against the contractors for the inordinate delay in completing the work."

10. The following discussion at the Public Health Committee meeting of the 4th July 1940 at which sanction to—

(a) a revised estimate amounting to Rs. 80,149-10 based on actual cost,

(b) extension of time to the contractors up to the 12th June 1938, and

(c) the execution of the extra works was asked for, will be illuminating.

11. The Chief Executive Officer who was called to the meeting stated:—

"It appears that at that time the original estimate was for about Rs. 68,000 and odd and the accepted tendered amount was Rs. 51,588. It seems that the Chief Engineer, Mr. Coates, allowed extra works to be done to the tune of Rs. 31,000 in spite of the objections raised by the Chief Accountant, who pointed out that the extra works could not be done without proper sanction. Besides, this was a loan work and the provision would not allow this additional liability to be shouldered. It is true that since then budget provision has been made. When the extra works were undertaken and finished, the matter was not referred to me. I was surprised because extra works to the extent of Rs. 31,000 were done without proper sanction. It is true that sometime the Engineering Department did not put in all the items of work in the specification with a view to keep down the cost within the budget provision. In this case, there was difference of opinion between the Chairman of the Burning Ghats Improvement Special Committee and the then Chief Engineer. The former wanted all these works to be done in anticipation of proper sanction. As you have seen from the report of the District Engineer I, the work was of a difficult nature and had to be done on the river bed. All these were not brought to my notice in proper time."

12. As regards extension of time, this was sanctioned by the Corporation up to the 30th June 1935."

CHAIRMAN (Dr. Syed Zafar Ahmed): The work was started in 1931 and we are in 1940. The work was completed in 1935 with the exception of the parapet wall. Extension of time was sanctioned up to June 1935 and now there is a proposal to grant further extension of time till June 1938. There was a Clerk of Works all the time and for whose salary we have to pay Rs. 4,000 and this in spite of the fact that barely three months' time was allowed to lay the foundations. From the report of the District Engineer, we find that extensive damage was done to works by bore and large scale working was not possible and work in small sections had to be done. What was the Clerk of Works doing all these years?

DISTRICT ENGINEER I: He was there to see that whatever work was done was done according to the specification.

CHAIRMAN (to Chief Executive Officer): Are you satisfied from the report of the Chief Accountant since submitted that this Committee would be in order in recommending the revised estimate for sanction?

CHIEF EXECUTIVE OFFICER: Mr. Coats who was then Chief Engineer is no longer in our service. I am not personally satisfied with the procedure followed in this case. As Chief Executive Officer, I am authorised to sanction expenditure up to Rs. 1,000 only, but the Chief Engineer incurred this extra expenditure to the extent of Rs. 31,000 not only without proper sanction but without reference to any Committee or Corporation. You should also bear the fact in mind that the Chairman of the Burning Ghats Improvement Special Committee was very insistent on these extra works and the Chief Engineer had to yield to his pressure. As already stated all these extra works were done without reference to me.

CHAIRMAN: I am sorry I cannot associate myself with this matter. I suggest that we request the Chief Accountant and the Chief Law Officer to go through the file and report whether the Chief Engineer was right in sanctioning these extra works without reference to the Chief Executive Officer.

The Committee approved the suggestion of the Chairman.

13. The Chief Law Officer reported that there was no delegation of authority to the Chief Engineer to order the extra works in this case. But clauses 6 and 7 of the agreement and clause 22 of the general specification gave him authority to get extra works done by the contractors. In his opinion, it was up to the Committee to ratify the expenditure which was incurred in anticipation of sanction and for which there was real necessity, although the Chief Engineer was hardly justified from the point of view of delegation of powers to order the works on his own authority.

Eventually the Corporation was compelled to sanction the extra expenditure.

14. This case is another typical instance of (i) how estimates are haphazardly made, (ii) contracts are not regarded with any sanctity, (iii) departmental officers go beyond their authority, saddling the Corporation with heavy liabilities leaving no chance for timely scrutiny before the works are undertaken.

15. In this case the work which commenced in 1931 was dragged up to 1938. Even if the conditions relating to this work could not be foreseen at the time when the estimate was originally made, which surely did the Engineering Department no credit, that department could have no excuse whatsoever for not gaining necessary knowledge all the time the work was under execution and not apply-

ing to the Corporation during that lengthy period with a revised estimate for sanction. Confronting the Corporation in 1941 with a revised estimate on actual basis, nearly 64 per cent. in excess of the tendered value of the contract, is another glaring instance of short-circuiting authority and the canons of departmental conduct. The loan fund had been exhausted and an advance had to be made from revenue to pay the contractors. Government in their letter No. 1052-M., dated the 23rd March 1938, had drawn the attention of the Corporation to the objectionable practice in this respect, which recurred frequently in the Corporation.

Contract No XI.

(B) Extension of the Sewage Pump House, Sump Chamber, Silt-pit, Penstock, Delivery Conduit at the Palmer's Bridge Pumping Station.

1. This work formed part of item 5(i) of Dr. De's internal drainage scheme estimated to cost in all Rs. 6,60,000 which was a part of the main drainage extension scheme estimated to cost Rs. 65,00,000 sanctioned by the Corporation on 25th July 1930 and by the Government on the 30th May 1931.

2. This particular item of work was estimated to cost Rs. 88,000 and was specifically sanctioned by Government on the 25th July 1935.

3. The Works Committee approved the estimate on 18th February 1936 and the Corporation sanctioned it on 23rd March 1936. Tenders were invited and Messrs. K. C. Ghose & Co.'s tender for Rs. 58,580 being the lowest, together with Rs. 2,929 for contingencies and an equivalent amount for supervision plus Rs. 450 for works outside tender was recommended for acceptance by the Works Committee on 2nd July 1936. The Corporation accepted the aforesaid tender on the 12th August 1936, and intimation thereof was conveyed to the contractors on the 15th August 1936. The stipulated period for completion of the work was nine months, that is to say, it was due to expire on the 14th May 1937.

4. The work was dragged on to three years and nine months instead of completing it in nine months. From the very beginning the contractors seemed to be determined not to execute the work within the stipulated period. Reports dated 25th September 1936 and 27th November 1936 from the Assistant Engineer showed that the contractors were not in earnest. The Executive Engineer's report dated 7th December 1936, was as follows: "The time of completion for the above work will expire on the 15th May 1937 and at the present rate of progress the work will not be completed in time and we shall not be able to give the much needed relief during the ensuing monsoon. The pumping plant should be in Calcutta in the first week of June 1937."

5. On 4th January 1937 the Executive Engineer reported to the Special Officer and Chief Engineer: "The time of completion of the whole work is within nine calendar months from the date of intimation of acceptance of the tender and as such the contractors are bound to execute not less than one-ninth part of the total value of the work every month. So far the value of the executed work is about one-twelfth of the total value of the work. As the progress of this work was not satisfactory, a notice was issued by the Special Officer on the 20th November 1936 asking the contractors to make sufficient progress within the next ten days thereafter to the satisfaction of the Engineer failing which the work would be taken out of their hands and carried out by some other agency at their risk and cost. Progress within the next ten days was not satisfactory and the matter was reported to you. You inspected the work on the 8th, 15th and 22nd December 1936. In my opinion, the progress is still far from satisfactory. The contractors have not yet started the main work,

i.e., the extension of the Engine House and Sump Chamber. You are aware that tenders for pumping plants have already been accepted and it is expected that the machineries would be in Calcutta within the first week of June 1937. You are also aware that the present drainage congestion in North Calcutta is only for want of sufficient pump at the Palmer's Bridge Pumping Station. It was expected that this work of extension of the Engine House and erection of pumping plants would be completed by the first week of August 1937 and thereby considerable relief may be afforded to the city during the latter part of the monsoon. I am now convinced that due to the failure on the part of Messrs. K. C. Ghose & Co., to construct the Engine House, it would not be possible to erect the machineries mentioned above. I do not find any other alternative but to recommend to you to take the work out of their hands and entrust it to the third lowest tenderer Messrs. Associated Engineers, Ltd."

THE SPECIAL OFFICER (Dr. De): "I endorse the note of the Executive Engineer, Main Drainage, and approve of his recommendation. Please put up item for Works Committee Meeting."

The Chief Executive Officer (*vide* his order, dated 12th January 1937) decided to call for an explanation from the contractors. The contractors' excuse for the slow progress of work chiefly was that there was delay on the part of the department in delivering possession of the site. The Assistant Engineer's report, dated 22nd January 1937, proved that the contractors' excuses were baseless. A list of works taken in hand by the contractors was embodied in the Assistant Engineer's report of that date and it showed that there was inexcusable delay in completing the various items of works taken up by the contractors. The Executive Engineer commenting on the aforesaid report of the Assistant Engineer said, "No useful purpose would be served by issuing notices to them (contractors) and I do not find any alternative but to recommend to take the work out of their hand."

6. On 18th February 1937, the Special Officer and Chief Engineer reported that in view of satisfactory progress made by the same contractors in connection with other drainage works he was inclined to recommend the abeyance for two months of the question of taking this work out of the hands of contractors Messrs. K. C. Ghose & Co.

7. On 26th March 1937, the Executive Engineer again observed as follows: "I again note with dissatisfaction the rate of progress of this work."

8. On 24th April 1937, the Special Officer and Chief Engineer enquired, "What proportion of the total work was done and when the contractors were expected to finish the work?" To that enquiry the Assistant Engineer reported on 4th May 1937 that only one-sixth of the total work was done.

9. On 20th May 1937, that is to say, when the stipulated period for the completion of the work had expired and the contractors had asked for an extension of time, the Assistant Engineer reported that the plea made for delay in completing the work was baseless and that the real reason for the delay was due to not employing sufficient number of labourers as shown in the statement enclosed by him giving the number of labourers employed from day-to-day.

10. On 3rd June 1937, it was again reported that progress was very slow despite a notice issued to accelerate the construction of the workshop. The Executive Engineer on 4th June 1937 suggested that the other part of the work be carried out by the Corporation Workshop at the risk and cost of the contractors.

11. On the 28th June 1937, it was reported that the work was practically held up on account of rain. On 23rd June 1937, the Assistant Engineer

drew attention to the dilatory method of the contractors and their not taking advantage of the fair weather "notwithstanding repeated requests of the department". The Executive Engineer found that of the total tender value of the work which was Rs. 58,500 the value of the work executed up-to-date was only Rs. 13,500, i.e., less than 25 per cent. of the work was completed even after more than a month of the expiration of the stipulated period. The progress of this work was reviewed at a meeting of the Works Committee held on the 17th June 1937, an extract from the proceeding of which will be worth a perusal.

(Mr. R. N. Banerjee.) "CHAIRMAN: *Re.* Contract XI, this is a very bad case. There is no likelihood of the work being finished before this year.

MR. D. K. BOSE: I understand the contractors were not given vacant possession of the site to start work for sometime though the work order was issued to them on the 15th August 1936.

EXECUTIVE ENGINEER, DRAINAGE: The work includes the construction of the workshop. The contractors are to construct the workshop first.

CHAIRMAN: The other day I found that the number of men employed on the job was very small and naturally the progress is very slow. I want to know what steps you have taken against them to ensure completion of the work as early as possible. This is a case in which the penalty clause should be enforced.

CHIEF ENGINEER: I sent them notice that the work would be taken out of their hands. Under the contract, I am required to give them 10 days' notice before I can take the work out of their hands.

EXECUTIVE ENGINEER, DRAINAGE: In my opinion it will not be desirable to take the work out of their hands at this stage. I shall have to put some one else on the job. The cost will be much more and there will be further delay.

MR. SPELLER: I suggest that when you next recommend part payment of their bill, you should deduct the amount due under the penalty clause from their bill.

EXECUTIVE ENGINEER, DRAINAGE: Under the terms of the contract the Chief Engineer has the power to extend the time of the contract.

MR. GURNER: I suggest that the penalty should not be waived without sanction of the Committee.

The Committee accepted the suggestion.

CHAIRMAN: I would ask you to consult the Chief Law Officer in this case and take whatever action you are entitled to take against them under the contract. The time has long expired. If the Law Officer so advises you, you should deduct the sum due under the penalty clause from their next bill, after giving them notice."

The Committee agreed.

12. In October 1937, Messrs. K. C. Ghose & Co., pressed for an on-account payment. The bill submitted by them amounted to Rs. 12,980 after deducting the retention money, penalty and previous on-account payment. Accounts Department agreed to the payment on-account on the responsibility of the Executive Engineer, Drainage Division. A report, dated 5th October 1937, showed that since the 28th September 1937 no work was being done by the contractors. On 1st November 1937, the Executive Engineer observed: "I have found only nine men are working which is hopelessly inadequate to tackle the job properly." He then recorded certain instructions for the contractors to follow. On 22nd December 1937, the Executive Engineer reported to the Special Officer and Chief Engineer: "Last week you inspected the

work. Progress of work is very slow. Contractors even do not care to reply to my letters. Merely enforcing penalty clause is hardly sufficient in this case. They are holding up all other works. I would request you to inspect the work again and decide what is to be done with the defaulting contractors." On 3rd January 1938, the Special Officer enquired if there was any improvement since the above report of the Executive Engineer. To that the Executive Engineer replied on 4th January 1938: "Messrs. K. C. Ghose & Co., contractors, are practically doing nothing. Yesterday on inspection I found only two men working and a very few coolies, not more than five altogether. It was reported that during the holiday work was practically at a standstill. You are aware the work was to have been completed on the 15th May 1937. Pumps, motors and electric accessories have been delivered, and left in the compound without any covering over same. The erection of automatic screen has also been held up as the contractors have not removed the surplus earth from the top of the silt-pit. At the present rate of progress there is no knowing when the work will be completed or the work will be ever completed. I find no other alternative but to taking the work out of their hands and getting it done by some other agency at their risk and cost."

13. On a report, dated 23rd January 1938, from the Executive Engineer the Special Officer remarked: "Many chances have been given to the contractors to show progress—the last one being for ten days on 10th January 1938. The progress being unsatisfactory and as the best part of the working season would soon be over, it is imperative that the superstructure is completed as soon as possible. This is necessary to use the electric pumps which are lying delivered waiting for erection for the last five months. I recommend that the completion of the work is entrusted to the next lowest formal tenderer on condition that the work is completed within two months from the date of work order. The Executive Engineer will please place an item before the Works Committee accordingly."

14. On 17th March 1938, the Executive Engineer reported: "At this rate of progress it is very doubtful if the pump could be brought into operation during the coming monsoon."

15. The contractors got Rs. 10,000 on-account on 12th April 1938.

16. On 2nd May 1938, the Assistant Engineer reported that while the contractors who were entrusted with the work of the erection of pumps and other machineries were rapidly executing the work given to them, the building contractor Messrs. K. C. Ghose & Co., by leaving a lot of works still unfinished as per list annexed to his report, were preventing the functioning of the machines. Endorsing the aforesaid report, the Executive Engineer observed on 3rd May 1938:—

"Erection of pumps by Messrs. Universal Trading Union are being carried on at a rapid speed, and it is expected that this will be completed by the 15th of this month. Trial run of pumps cannot however be given unless connection to the silt-pit and construction of delivery chamber including connection to the existing chamber is completed. Erection of penstocks should be completed before the connection to silt-pit is effected, as otherwise it would be very difficult to erect the penstocks. Contractors' representative Mr. Atul Ghosh informed me that penstocks would be manufactured and delivered by Messrs. John King & Co. by the end of April. On the 29th of April 1938 I was informed that penstocks will be delivered in the end of May. I enquired from Messrs. John King & Co. when these penstocks are likely to be delivered and they have informed me that official order for penstock has not been placed with them by Messrs. K. C. Ghosh & Co. Under the circumstances even if the order is placed immediately,

penstocks are not likely to be delivered before the end of July or August. It would be impossible to erect these penstocks during the height of monsoon. As soon as the pumps are erected, contractors, Messrs. Universal Trading Union, would ask to arrange trial run and submit 90 per cent bill. As already pointed out, trial run cannot be arranged for want of connection to the silt-pit and construction of delivery chamber. There would be further complication and I am afraid unless the bill, i.e., 90 per cent, is passed, the Corporation would be liable for damages. I have on several occasions reported to you how Messrs. K. C. Ghose & Co. have landed the Corporation into difficulty owing to failure on their part to complete the job even one year after the stipulated time and further repetition of the fact is unnecessary. It is for you to decide what should be done now."

17. On the above report the order of the Special Officer was that the contractors should be asked to see him. It was reported on 17th June 1938 that no penstock or grating was brought to the site even on that date and that the contractors being questioned stated that they wont be ready before the first week of July next. On 3rd September 1938, the Executive Engineer reported that the penstocks were not supplied even then. He went on to say, "we are experiencing great deal of difficulty in working the newly-installed pumps for want of penstocks and gratings."

18. On 27th September 1938, the contractors received another on-account payment of Rs. 12,000 in addition to Rs. 25,000 sanctioned previously, although none of the previous on-account payments had been adjusted. A report dated 21st December 1938, shows that the following works remained unfinished:—

- (1) Supplying and fixing penstock—3 Nos.
- (2) Fixing of gratings with the head stock in position.
- (3) Connection with the silt-pit with proper supporting the top brick work and with other necessary work.
- (4) Painting the joist.

19. Report, dated 19th January 1939, showed that the contractors were still defaulting.

20. By September 1938 the fine imposed in accordance with the decision of the Works Committee, dated 17th June 1937, had amounted to Rs. 5,000.

21. Assistant Engineer's report, dated 18th February 1939, showed that the "penstocks brought at the site by the contractors were found to contain numerous blow holes and not according to the standard drawing submitted with the tender."

22. On 22nd November 1939, the Superintendent, Palmer's Bridge Pumping Station, reported: "Messrs. K. C. Ghose & Co. left the work of execution of suction gate of 'I Pump' (D.W.F.) on the 14th instant after erection of bundh on the silt-pit end of the suction conduit and since then we have not seen any sign of them here. The result has been that the pump has been kept idle for nothing."

23. Ultimately, the work was said to have been completed on the 20th January 1940.

24. From the Executive Engineer's note, dated 19th March 1941, it appears that the final joint measurement showed that the total value of work done by the contractors amounted to Rs. 65,000 and that payments already made on-account amounted to Rs. 59,032-6. The question was whether any penalty was to be recovered from the contractors for their failure to execute the work within the agreed time-limit. On this question various discussions took place and resolutions were passed in the Works Committee as well as in the Corporation meetings. The resolutions of the Works Committee meeting on this question were not always ratified by the Corporation.

25. The Works Committee on 30th March 1940 considered a letter from Messrs. K. C. Ghose & Co., requesting an extension of time from the 15th May 1937 to the 20th January 1940, for the execution of this contract, as also for waiving the order passed by the Committee on the 17th June 1937 imposing a penalty of Rs. 10 per diem, from the 15th May 1937 up to the date of the completion of the work, i.e., 20th January 1940. That letter from the contractors addressed to the Chairman and the members of the Works Committee came through the Chief Executive Officer, the Chief Engineer and the Executive Engineer. In forwarding that letter the Executive Engineer (Mr. P. C. Bose) reported on the 5th March 1940 that "the statements made by the contractors in the letter were correct. The work was of a difficult nature and certain position of the work could only be done during the dry weather. The work ought to have been completed by 14th May 1937. The contractors have executed extra work to the value of Rs. 10,000 approximately. Some allowance should be made for that. I think three months' time on that account should be granted. Pumping station, though not completed in all its details, was brought into beneficial use from August 1938, whereas it ought to have been brought into commission from January 1938. Due to the delay the Corporation had to pay a sum of Rs. 397-8 as insurance charges for the machineries which were delivered at site before the station was sufficiently ready to use these. The work has been completed in all its details on the 20th January 1940. This delay is mainly due to non-supply of penstocks by John King & Co., which firm went into liquidation. Subsequently, penstocks were supplied by Messrs. Burn & Co. Two out of the three were erected before the monsoon of 1939 and the other one was erected as stated before in January 1940." The Special Officer and Chief Engineer on the same date recommended the application of the contractors for favourable consideration of the Committee "with a view to condoning the delay on the part of the contractors." While the Executive Engineer's arguments were double-edged, the Chief Engineer with a curious *volte-face* recommended the condoning of the delay made by the contractors in executing the work. The recommendations of both the officers were contradictory to the series of earlier reports and observations which they themselves and all the departmental officers had made with regard to the manner in which the contractors had dealt with the work while it was under execution from the beginning to the end. It might have been a hard job or soft. The contractors knew what they had tendered for and what the conditions were. They had elbowed in by pushing other contractors out, and entered into an agreement with the Corporation to do the work within a stipulated time. The contractors were defaulting from the beginning to the end. In one of his reports (dated 22nd December 1937, bottom of page 5) the Executive Engineer had complained that the contractors did not even care to reply to his letters and on the 23rd January 1938 the Chief Engineer had lamented that many chances had been given to the contractors who wasted them. It is difficult to understand why those officers developed tenderness for the contractors as soon as the contractors began to try to escape from the penalty under the agreement which the Committee had directed must be levied. John King & Co. might have gone into liquidation but the report of the Executive Engineer, dated 3rd May 1938, showed that the representative of Messrs. K. C. Ghose & Co. had given a hoax about getting penstocks made by the abovementioned firm. It is evident that until the end of April 1938, the contractors had done nothing to get the penstocks ready. It appears from notes in the file that even in December 1938 the penstocks had not been supplied and the gratings fixed.

26. The long and short of the whole case is that the Corporation had decided to undertake

certain constructions for the benefit of the rate-payers who were suffering and the work was intended to give them a much-needed relief within a specified date. The work was advertised with detailed specifications. Several contractors submitted tenders and an agreement was executed. The agreement provided for imposition of penalty for non-execution of the work within the stipulated period. All throughout that time the contractors fiddled with the work, sometimes putting a couple of masons on it and half a dozen coolies or none at all on days on end as the departmental reports giving facts and figures showed and in that way they dragged the work which was due to be completed by the 14th May 1937 to the 20th January 1940. A contract has no meaning or an agreement any value if terms thereof are not respected and enforced.

27. To resume the narrative: The Works Committee meeting of the 30th March 1940 resolved:—

"That in view of the report of the Executive Engineer, Drainage, as endorsed by the Chief Engineer, the application of Messrs. K. C. Ghose & Co. for the extension of time from 15th May 1937 to 20th January 1940 for the completion of the work of the extension of the Sewage Pump House, Sump Chamber, Silt-pit, Penstocks, Delivery Conduit, etc., at the Palmer's Bridge Pumping Station (Contract No. XI) as also for waiving the condition regarding the imposition of penalty of Rs. 10 per diem from 15th May 1937 to the date of completion of the work, viz., 20th January 1940 against the contractors, under clause 16 of the agreement for their failure to complete the work within the stipulated time, viz., 14th May 1937 be sanctioned, in modification of the Committee's previous resolution, dated 17th June 1937, subject to the condition that the amount of Rs. 397-8 being the insurance charges for the machineries paid by the Corporation, be deducted from the contractors' bill.

28. Earlier, on the 18th March 1940, the Works Committee on the motion of Messrs. H. M. Ariff, Syed Majid Baksh and Debjiban Banerjee had passed a resolution based on the recommendations, dated 5th March 1940, of the Executive Engineer and the Special Officer, granting extension of time for the execution of this work up to 31st January 1940 and deciding that the penalty clause of the agreement should not be enforced against the contractors. That resolution of the Works Committee was confirmed in the Corporation meeting, dated the 27th March 1940. The subsequent resolution of the Works Committee, dated the 30th March 1940, came up before a meeting of the Corporation on 15th May 1940, and the Corporation after a somewhat lengthy debate rejected the recommendation of the Works Committee regarding the waiving of the penalty. It is worthwhile going through the discussion on this matter at the Corporation meeting, dated the 15th May 1940, reproduced below:—

"Mr. Naresh Nath Mookerjee rose to oppose the motion. He said that if they referred to the papers circulated in this connection, they would find that the Works Committee on 17th June 1937 went into the question of delay in the completion of the contract and gave a specific direction to the department that the penalty clause should not be waived without the sanction of the Committee. It was obvious that the Committee felt that there were no valid reasons for this undue delay in the completion of the contract and that the penalty should be imposed. Next, he would draw attention to the report of the Executive Engineer, Main Drainage, wherein he stated that 'That work was of a difficult nature.....'. Surely, the contractors took up the work with their eyes open to the nature of the work that they were required to do. And having taken it up, they should have completed it within the stipulated period of nine months. Then, there was another excuse put forward, namely, that 'this delay is mainly due to non-supply of penstocks by John King & Co., which firm went into

liquidation'." But then the supply of penstocks was included in the contract, and as such, the contractors were bound to arrange for the supply of penstocks in good time. In very many cases in the past they had imposed heavy penalties on old, tried contractors, who, in consequence, had suffered heavy losses. That being so, he did not see any reason why they should absolve this particular contractor who happened to be a pet contractor. He called him pet because he was awarded 99 per cent. of the contracts in the Corporation. Only ten days ago they had before them a case where he had tampered with papers. In the present case he found that at a time when most of the members of the Corporation were pre-occupied in connection with the General Election, this matter was rushed through in the Committee. He held that this delay of two years and eight months in completing the work was unpardonable and penalty must be imposed in this case.

Mr. Dhirendra Nath Ghosh said that it was abundantly clear from the précis that the delay in completing the contract was primarily due to non-supply of penstock by Messrs. John King & Co. Mr. Mookerjee's speech was a running commentary on the demerits of the contractor. In all fairness, Mr. Mookerjee should satisfy the House that this contractor tampered with papers. He did not think his friend should have made a comment like that.

MR. B. N. ROY CHOWDHURY: What does he mean by the expression "running commentary"?

MR. DHIRENDRA NATH GHOSH: Making adverse comments behind one's back.

THE DEPUTY MAYOR: If any one makes a comment like that, he does so at his own risk.

MR. DHIRENDRA NATH GHOSH: I hope my friend will be more careful in choosing his expressions. I say that this is a post-mortem item and should be disposed of here and now.

Mr. Hamoodur Rahman said that he was in complete agreement with the observations made by Mr. Naresh Nath Mookerjee. He found from enclosure C7 that the Works Committee on the 17th June 1937, after considering the matter in all its bearings, came to the conclusion that penalty should not be waived and personally, he did not see any reason now to waive the penalty and rush this matter through. This was a case of gross incompetence on the part of the contractors, and if they waived the penalty in this case, they would be hard put to it to draw the line. By perusing the papers circulated in this connection, he found that the officers of the Corporation had been over-generous to these contractors. They had even gone to the length of recommending that the amount paid by the Corporation for insurance should be given up. It was a very important piece of work, in the sense that it concerned the city's drainage, and it ought to have been completed within the contract period. When they submitted their tender, the contractors should have taken due account of the possibilities of their getting the requisite materials in good time; they should have known how best to get them, and there was no reason why the Corporation should condone their neglect. If John King & Co. went into liquidation, that was no concern of theirs. He added that they would be creating a very bad precedent by condoning such gross incompetence on the part of these contractors.

Mr. M. M. Burman said that this matter was one on which they should take the opinion of the Law Officer, because, for all he knew, this might involve them in a surcharge. He would like to know, if this was taken to Court, whether they would lose the case or whether they would perforce have to settle it for much more than they were doing now. He moved that consideration of the matter be postponed for the opinion of the Law Officer.

Mr. Mrigendra Kumar Majumdar seconded the amendment, which was put to the vote and declared lost.

Mr. M. M. Burman and Mr. Mrigendra Kumar Majumdar dissented and wished their dissent to be recorded.

Rising to reply, Mr. F. G. Watson said that he had only two things to add: First, that it was a very small Committee that considered this matter, and in that view, it might perhaps be good thing if it was remitted to the new Committee. But it was fair to the old Committee to say that they were guided by two points, namely, (1) that the work could only be done to the convenience of the Pumping Stations, and (2) that certain portions of the work could be done during the dry weather only. The Committee did take the advice of the Law Officer and it was on his recommendation that they took the action that they did.

The original motion was put to the vote and declared lost.

Mr. Dhirendra Nath Ghosh dissented and desired that his dissent should be recorded.

29. The decision of the Corporation at its meeting, dated the 18th March 1940, granting extension of time to the contractors and waiving the penalty recoverable under clause 16 of the agreement was vetoed by its subsequent decision of the 15th May 1940, rejecting the Works Committee's recommendations, dated the 30th March 1940. It is difficult to understand why the Works Committee should have, in the course of the same month, virtually the same subject to go into and repeat the same recommendations with the only difference that in the subsequent resolution, dated the 30th March 1940, the Committee added a rider that the amount of Rs. 397.8 being the insurance charge paid by the Corporation for the machineries should be deducted from the contractor's bill. Plausibly the Committee wanted to rectify an omission and banked on the belief that its recommendations would automatically pass through the meeting of the parent body. The arguments of Mr. Naresh Nath Mookerjee reducing to shreds the reports of the Executive Engineer and the Chief Engineer were perhaps unexpected.

30. The matter did not rest there. Subsequent proceedings reveal the character of the Councillors and the officers of the Corporation. The department came up with the report that it was faced with two contradictory directions of the Corporation and its difficulty was further increased by the fact that action on the first resolution of the Corporation, dated the 27th March 1940, had already been taken by giving an on-account payment of Rs. 18,500 to the contractors in connection with this work before the closing of the last Bengali Year; also by the fact that the later resolution of the Corporation, dated the 15th May 1940, as it was worded, did not expressly rescind the other resolution of the earlier date. The Law Officer, whose opinion was asked for, suggested on 23rd May 1940, that the matter should be placed before the Corporation for reconsideration, drawing their attention to all relevant facts.

31. The matter did not go, as it should have, straight to the Corporation for the rectification of any technical defect or for reconciling the apparently conflicting decisions of the two Corporation meetings. It was again placed before the Works Committee who, on 7th June 1940, resolved:—

"That the matter be referred to a Sub-Committee consisting of (I) the Chairman (Mr. Naresh Nath Mookerjee), (II) Mr. F. G. Watson, (III) Dr. Safar Ahmed for consideration and report within a week."

The Sub-Committee on 18th June 1940, resolved as follows:—

I. (1) That the resolutions of the Corporation, dated the 15th May 1940, be rescinded.

(2) That penalty be imposed at the rate of Rs. 10 per diem from the 14th November 1937 to 1st August 1938 (the work should have been completed on the 14th May 1937, but as certain extra works had to be done and as the monsoon set in, the Sub-Committee are prepared to allow a period of grace for six months, making the penalty operate from 14th November 1937 till the 1st August 1938, when the Pumping Station was brought into beneficial use).

(3) That Rs. 397-8 paid by the Corporation on account of the insurance charges for the machineries in consequence of this delay be deducted from the contractor's bill.

II. That the above resolutions are tentative and subject to the approval of the Chief Law Officer, who will please go through the same as well as all relevant papers and suggest modifications or amendments, if necessary.

32. After making the above tentative recommendations, the Sub-Committee thrice failed to meet for want of quorum. Thereafter the matter was placed before the Works Committee on the 15th July 1941, on which date the consideration of the matter was postponed for the Chairman to go through the file. The Chairman in his note, dated the 26th August 1941, said: "It is really unfortunate that although the Chief Law Officer suggested more than a year ago on the 28th May 1940, that the matter should be placed before the Corporation for its reconsideration drawing their attention to all relevant facts, this direction was not carried out. On the contrary the matter was again referred to the Works Committee. It was a mistake in my view to have placed this matter before the Works Committee as the impasse created was beyond the Committee to decide. The Committee in its turn appointed a Sub-Committee to sit upon judgment and they have made certain recommendations. The Committee in these circumstances should merely direct the matter to be placed before the Corporation and leave the final decision to the Corporation." The Chairman accordingly suggested the following resolutions:—

"(i) That the attention of the Corporation be drawn to the two resolutions passed on the 27th March 1940, and 15th May 1940, on the question as to whether extension of time should be granted to the contractors and whether any penalty should be imposed or not and its decision sought as to what should be done having regard to the two inconsistent and contradictory resolutions passed by it on 27th March 1940 and 15th May 1940."

That note came from Mr. Sushil Chandra Sen who was then the Chairman of the Works Committee and not Mr. Naresh Nath Mookerji. With that note the matter came up before the Works Committee on the 16th September 1941, when it was resolved:—

"(i) That the attention of the Corporation be drawn to the two resolutions passed on the 27th March 1940, and 15th May 1940, on the question as to whether extension of time should be granted to the contractors and whether any penalty should be imposed or not and its decision sought as to what should be done having regard to the two inconsistent and contradictory resolutions passed by it on the 27th March 1940, and 15th May 1940.

(ii) That in the opinion of the Committee the contractors should be granted extension of time up to August 1938, when the Pumping Station was brought into beneficial use.

(iii) That the sum of Rs. 397-8 paid by the Corporation on account of insurance charges for the machineries in consequence of delay be deducted from the contractor's bill."

33. The Corporation on the 22nd September 1941, resolved:—

(i) That the contractors be granted extension of time up to August 1938, when the Pumping Station was brought into beneficial use.

(ii) That the sum of Rs. 397-8 paid by the Corporation on account of insurance charges for the machineries in consequence of delay be deducted from the contractor's bill.

34. In the Chief Law Officer's view, the granting of extension up to the time when the Pumping Station was brought to beneficial use was tantamount to absolving the contractors outright from all penalty on account of delaying the construction. Thus the contractors succeeded in frustrating the decision of the 17th June 1937 and the 15th May 1940, and got off without having to pay any penalty.

35. For extra work outside tender although the agreement was that payment would be made at the tendered rate for such work, "fair rate" which was higher was granted. This was not only against the interest of the Corporation but unfair to other contractors whose tenders were rejected on the ground that Messrs. K. C. Ghose's tender was the lowest.

36. The following facts are worthy of serious consideration in this case, viz.:—

(1) The observations which they had repeatedly made during the time the work was under execution, do not give any countenance to the subsequent reports which the Executive Engineer and the Special Officer and Chief Engineer made on 5th March 1948.

(2) Three Councillors came forward to table a motion for the benefit of the contractors to get a resolution against them rescinded.

(3) The Corporation had no respect for its own decision arrived at after full discussion and showed no compunction in annulling it in order to oblige the contractors.

(4) The agreement between the Corporation and Messrs. K. C. Ghose & Co., was practically scrapped to suit the interest of the contractors against that of the rate-payers.

(C) Contract with Messrs. K. C. Ghose & Co. for working the Pulta filter beds from 16th July 1937 to 31st March 1938.

1. The Water Supply Committee on the 11th June 1937, recommended for sanction an estimate amounting to Rs. 1 lakh for working the filter beds at the Pulta Pumping Station for one year from the 1st April 1937 to the 31st March 1938 and for approving the specification and a draft advertisement calling for tenders for working the filter beds for 8½ months from the 16th July 1937 to the 31st March 1938. Tenders were called for and received. A contract extending up to the 15th July 1937, was existing with Messrs. K. C. Ghose & Co. for the same work.

2. Two tenders were received, one of them amounting to Rs. 79,748-3 from Messrs. K. C. Ghose & Co. and another from Messrs. N. Gupta & Sons amounting to Rs. 81,862-14. The Water Supply Committee recommended on 14th July 1937 that the lower tender of Messrs. K. C. Ghose & Co. amounting to Rs. 79,748-3 be accepted by the Corporation and that the Chief

Executive Officer be authorised to order the contractors to proceed with the work from the 16th July 1937, in anticipation of the sanction of the Corporation to the acceptance of the tender. Against the resolution of the Water Supply Committee, two motions were tabled by Messrs. S. M. Israel and Mohammad Ali Khan for rescinding the Committee's resolution about the acceptance of the tender of Messrs. K. C. Ghose & Co. In one of the motions it was stated that the rates quoted by Messrs. N. Gupta & Sons which were for a longer period than 8½ months were actually lower than the rates quoted by Messrs. K. C. Ghose & Co. and that by accepting the tender of Messrs. K. C. Ghose & Co. the Corporation was virtually accepting a higher tender. Mr. Mohammad Ali Khan wanted information about the past working of the two tenderers, and that pending such information the resolution of the Water Supply Committee should be held in abeyance. The Corporation at its meeting held on 11th August 1937, accepted the tender of Messrs. K. C. Ghose & Co. for 8½ months and approved the action of the Committee in empowering the Chief Executive Officer to direct Messrs. K. C. Ghose & Co. to proceed with the work from the 16th July 1937. Before the resolutions were passed at that meeting, a heated discussion took place and it disclosed facts which are worth recording.

Councillor Mr. Dhirendra Nath Ghose stated that if the Corporation wanted any other alternative tender for 2 years and 8½ months, it would mean a saving of Rs. 36,000 to the Corporation.

Mr. Bidhubhusan Sarkar said that in view of the fact that action had already been taken on the Committee's resolution, there was no other alternative than to accept that recommendation.

The Mayor (Mr. Sanat Kumar Ray Choudhuri) said: "No doubt action has been taken on the Committee's resolution in anticipation of the Corporation's confirmation on the ground of urgency. But that does not dispense with the necessity for Corporation's sanction."

MR. DHIRENDRA NATH GHOSE: It appeared from the Committee's proceedings that the tenders were opened on the 14th July at 2 p.m. and on the same day at 4:30 p.m. the Water Supply Committee were asked to settle the tenders. It also appeared that the existing contract was to expire the day following, viz., the 15th July. Moreover, the Committee decided upon the tenders without having a departmental report before that. It was obvious, therefore, that the whole thing was rushed through without a proper consideration of the pros and cons. The rates for this contract were increasing steadily since 1935. Between 1935 and 1937 the rates had gone up by 20 per cent. Therefore, it behoved the Committee to consider the rates for 8½ months side by side, with rates for 1 year and 8½ months and 2 years 8½ months. The Committee had done nothing of the kind. Hence the matter ought to be referred back.

Major S. E. Tee said that he would inform the House how Messrs. K. C. Ghose & Co.'s tender for 8½ months came to be accepted by the Committee. No Committees were sitting in the months of April and May. On the 4th June, a proposal came up before the Committee to sanction an estimate amounting to Rs. 1 lakh for working the filter beds at Pulta for one year from 1st April 1937 to 31st March 1938 and to approve the specification and draft advertisement calling for tenders. The Committee postponed consideration for an examination of the estimate and specification by Mr. D. K. Bose and Mr. J. N. Biswas. The matter next came up on the 11th June when the Committee passed the estimate and approved the specification. Then on the 21st June proof of this specification was sent up and on the 26th

June it was sent back to Press to be printed on the 28th June. An advertisement was then issued inviting tenders for 12 months. Tenders were opened on the 14th July and the same afternoon the Water Supply Committee met and they had to make a decision. There were two tenders, one from Messrs. K. C. Ghose & Co. for one year and the other from Messrs. N. Gupta & Sons for 1 year 8½ months and 2 years 8½ months.

THE MAYOR: There was no mention in the specification about 8½ months.

MAJOR S. E. TEE: In the specification it was 12 months. But in the Committee we accepted the lowest tender for 8½ months.

THE MAYOR: How did you make it 8½ months?

MAJOR S. E. TEE: If we make it 8½ months from 16th July 1937, next year's contract will run for 12 months from 31st March 1938. With regard to the present contractors I might explain that when they took over charge at Pulta, a lot of arrears had been left by the previous contractors Messrs. T. C. Mukherjee and Sons and Messrs. K. C. Ghose & Co. not only did normal work required of them under the contract, but also worked off the bulk of the arrears left by the previous contractors and so far as we are concerned, we are quite satisfied with their work. That is the reason why we thought that we should let them continue.

Babu Rajendra Narayan Banerjee said: "That seemed to him that the whole thing had been handled in an irregular fashion. The proposal came before the Committee on the 14th July to settle the contract for working the filter beds at Pulta as from 16th July 1937. That was because the contract was due to expire on the 15th July. He could not make out why there was so much delay in bringing up the matter before the Committee. The practice had grown up for the department to bring up matters at the eleventh hour. That was done on purpose."

Mr. B. N. Roy Chowdhury pointed out that as the contractors had already been asked to proceed with the work and the work was actually taken in hand in terms of the Committee's resolution, he did not think that there was any escape from it.

THE MAYOR: Nevertheless the Corporation sanction is necessary and you can take the opportunity to offer any remark you like.

Babu Rajendra Narayan Banerjee continuing said: "If the department were really anxious about Corporation, then they should have placed the matter before the Committee in good time. Though the department got a sanction of 8½ months' working, they went out of their way to invite tenders for 2 years 8½ months."

THE MAYOR: They invited tenders for 12 months.

BABU RAJENDRA NARAYAN BANERJEE: No. They first invited tenders for 8½ months and then for 1 year and then for another year.

BABU PHANINDRA NATH BRAHMA: 8½ months, 1 year 8½ months and 2 years 8½ months—these were not sanctioned by the Corporation.

THE MAYOR: How could they then call for tenders on the basis of those periods?

Babu Rajendra Narayan Bauerjee said: "That was done purposely by the department to mislead and keep out other contractors."

Naturally, the rates for 2 years 8½ months' contract would be the cheapest. That was the way how the department tried to oust other people from the field. The department should be taken to task for misleading the Corporation in this fashion."

Mr. Mohammad Ali Khan said that he wished to remind the House that a similar thing happened a couple of years ago when the department tried to keep out N. N. Gupta in favour of T. C. Mookerjee who held the field. This sort of game had been played so often by the department that it was high time that they did something about it.

THE HON'BLE MR. B. K. BASU: It was not possible for the Corporation to modify or turn down the Committee's recommendation for the simple reason that the work had been taken in hand by the contractors under the orders of the Committee and the Chief Executive Officer. From what fell from Babu Rajendra Narayan Banerjee and Mr. Mohammad Ali Khan it was quite clear that the department had not served them well in this connection. I am putting it very mildly. They must have known that of late, at any rate, there had been 100 per cent. deterioration in the efficiency of the department of the Corporation and it was high time that they cast about to see if it was not possible for them to tighten up the screws.

Mr. S. C. Ray Choudhuri said that they had it from the Hon'ble Mr. B. K. Basu that they had no other alternative but to swallow this bitter pill. But then, this arrangement required to be finally accepted by the Corporation, or else it would not have any binding force. The contractors knew very well that the resolution of the Committee was not final. It also appeared that no agreement had yet been executed. In these circumstances, he moved an amendment that the consideration of the matter be postponed and meanwhile the Law Officer's opinion be taken as to whether the action taken on the Committee's resolution precludes the Corporation from passing any other orders that they might deem proper and expedient.

Mr. Naresh Nath Mookerjee seconded.

MR. B. N. RAY CHOWDHURY: May I know if the Committee had before them any report from the Executive Engineer, Water Works, regarding the work of the present contractors? I am told that a very adverse report was given with regard to the work of Messrs. K. C. Ghose & Co.

BABU PHANINDRA NATH BRAHMA: No such report was placed before the Committee.

Mr. Khalilur Rahman moved as an amendment that the lowest tender of Messrs. N. Gupta & Sons for 2 years 8½ months be accepted with effect from 1st September 1937, and that the present contractors be paid for the period they have worked according to the rates stipulated in the existing contract. He said that his contentions had been reinforced by the statement of the Chairman of the Committee that no departmental report was placed before the Committee. If they looked at the agenda for the Water Supply Committee, dated the 13th September 1936, they would find there an item put up by the Executive Engineer, Water Works, and the Chief Engineer to cancel the contract with Messrs. K. C. Ghose & Co.

THE MAYOR: From what I have just gathered from the file, it seems to me that it will not be in order to ask the Corporation to accept that particular tender for 2 years 8½ months because this period never received the sanction of the Corporation.

MR. KHALILUR RAHMAN: But nevertheless the fact remains that alternative tenders were invited.

THE MAYOR: There was something in the specification which went beyond the Corporation sanction, and to that extent the tenders received were informal.

MR. KHALILUR RAHMAN: Can we not for reasons of economy accept a tender for a longer period than that stipulated in the Corporation sanction?

THE MAYOR: I do not think so.

Babu Phanindra Nath Brahma said that the entire blame could not be laid at the door of the department. He asked the Executive Engineer, Water Works, about the cause of delay in bringing up the matter. The Executive Engineer, Water Works, said that they could not foresee that the functioning of the Committee would be delayed so much; that as soon as the new Committee were formed, he placed the matter before the very first meeting of the new Committee.

BABU RAJENDRA NARAYAN BANERJEE: Did he not know that there has been such delay in the past in forming Committees? Is he not long enough in the Corporation to know that?

THE HON'BLE MR. B. K. BASU: He must be a very innocent man!

MR. KHALILUR RAHMAN: Shall I be in order to move that the tender of Messrs. N. Gupta & Sons be accepted for 8½ months?

THE MAYOR: That will be in order. But the difficulty is that you have already spoken once and if you wish to speak again to move an amendment, you will have to obtain leave of the House.

Mr. Phanindra Nath Brahma continuing said: "Whatever might be the other faults of the Executive Engineer, Water Works, in this particular case, if he had erred, he had erred in good company, and therefore, they ought not to be very hard on him. Of course, the Committee were not satisfied with that explanation and gave directions that henceforth tenders in such cases should be invited in proper time so that the tenders received may be placed before the Committee at least three months before the expiry of the contract."

* * * * *

DEPUTY MAYOR (Mr. A. K. M. Zakariah): May I ask the Chairman of the Committee what was the departmental report on the work of Messrs. K. C. Ghose & Co. on the present contract? I understand that the report was very bad.

BABU PHANINDRA NATH BRAHMA: No departmental report was placed before the Committee.

MR. NARESH NATH MOOKERJEE: On several occasions, the department lodged serious complaints against the contractors about the shortage of labour in connection with their work at Pulta and they were called upon to supply requisite labour from time to time. The Chairman of the Committee has said nothing about it.

MR. PHANINDRA NATH BRAHMA: The previous Chairman, Mr. N. Biswas, said that he found their work to be quite satisfactory.

BABU B. N. RAY CHOWDHURY: May I ask the Chairman of the Committee why a report was not called for with regard to the work of Messrs. K. C. Ghose & Co.

THE MAYOR: It is the Executive Engineer, Water Works, who brought up this item and if he did not submit any report, what was the Committee to do?

MR. B. N. RAY CHOWDHURY: If the Committee had any doubts in their mind, they might have called for a report from the department as to whether these contractors were capable or not.

THE MAYOR: In this case a bayonet was pointed towards the Committee, that they must pass it on the 14th as the contract was due to expire on the 15th. If there was anything to urge against Messrs. K. C. Ghose & Co. it was for the Executive Engineer to do so.

THE HON'BLE MR. B. K. BASU: Promote him to the post of the Chief Engineer.

DEPUTY MAYOR: It has been reported to me that a sum of Rs. 54,000 has been paid to Messrs. K. C. Ghose & Co. not on actual measurement, but merely on a recommendation. It was an on-account payment on the score of previous work.

MR. PHANINDRA NATH BRAHMA: All this information was not placed before the Committee.

Babu Krishna Chandra Ghose moved as an amendment that the tenders of Messrs. N. Gupta & Sons be accepted for 8½ months from the 1st September 1937 to 31st March 1938.

Kabiraj Sibnath Sen seconded.

MR. B. N. RAY CHOWDHURY: Can we award the contract to any other contractor save and except Messrs. K. C. Ghose & Co.?

THE MAYOR: You can do it. But you must do it with your eyes open to the fact that you might possibly be made liable for damages.

All the amendments were then put to vote one after another and were lost and the original motion was carried, with the riders—

- (a) That the Water Supply Committee be requested to enquire into the deviations made from the specification when inviting tenders for working the filter beds at Pulta and to take necessary action against the department at fault; and
- (b) That it be a direction that the question of inviting tenders for the next contract be brought up by December 1937, at the latest.

3. In 1937-38, the Water Supply Committee consisted of the following Councillors: Messrs. P. N. Brahma (*Chairman*), M. M. Haque (*Deputy Chairman*), J. N. Biswas, D. K. Bose, K. G. Sililar, S. N. Dutt, A. M. A. Zaman, Kumar Biswanath Roy, Dr. S. C. Ghose, Hajee Choudhury Ismail Khan and Major S. E. Tee.

All of them were present at the Committee meeting, dated the 14th July 1937, at which Messrs. K. C. Ghose & Co.'s tender for working the Pulta filter beds for 8½ months from the 16th July 1937, was approved and was recommended for acceptance by the Corporation. The Committee did not adopt that resolution without a debate. In the discussions which took place at the Corporation meeting held on the 11th August 1937, as quoted above, Major S. E. Tee gave Messrs. K. C. Ghose & Co. a certificate of good conduct in respect of their execution of the previous year's contract for the same work, while other councillors, Messrs. Khalilur Rahman and Nares Nath Mookerjee, alluded to the failures of those contractors in the previous year. Major S. E. Tee was a member of the Water Supply Committee in 1936-37 also and it could well be expected that he had not forgotten the Committee meetings held on 26th November 1936 and 21st December 1936, at which he was present, and Messrs. K. C. Ghose & Co. appeared prominently on the complaints made against them by the Water Works Department. A comprehensive note, dated the 8th October 1936, from the officiating Chief Engineer, in connection with the working of the filter beds of Pulta Pumping Station was the subject-matter of three successive meetings, viz., on 21st November 1936, 26th November 1936 and 21st December 1936. The Chief Engineer's note began as follows: "The situation with regard to the work of replenishing the filter beds at the Pulta Pumping Station has now become very serious and I think the Water Supply Committee must be apprised of it with a view to devise ways and means to avoid collapse in the preparation of drinking water that is staring us in the face. The present contractors, Messrs. K. C. Ghose & Co., took up the work in connection with the working of the filter beds at Pulta on and from 16th July

1936, when the arrears in replenishment of filter beds as left by the outgoing contractors amounted to 23 units." The report then furnished details of work done by the contractors, Messrs. K. C. Ghose & Co., in three months, at the end of which the arrears, instead of being reduced, further increased. The officiating Chief Engineer quoted letters which the Superintendent, Pulta Pumping Station, and the Executive Engineer, Water Works, had written to the contractors pointing out to them their failures and suggesting what they should do to make up the arrears; but these letters were all in vain and failed even to elicit a reply, for which, in the last resort, the officiating Chief Engineer felt that it was incumbent on him that the Committee should be apprised of the serious situation brought about by Messrs. K. C. Ghose & Co. as, in the words of the Chief Engineer, "unless effective steps are taken by the contractors immediately to improve it, the whole system is liable to collapse in the near future". A later report, dated the 17th November 1936, from the Superintendent, Pulta Pumping Station, was also placed before the Committee for its consideration. After giving details of the lapses of the contractors, the Superintendent concluded his report with the following words:—

"Considering everything the situation is very grave and I am nervous about the consequences. Moreover, from today the Ramzan supply begins and most probably we may have to supply 2 or 3 million gallons more daily than the normal supply of 67 million gallons per day for a month. Orders of the Committee are therefore requested as to how best to tackle the position and whether tenders should be called for afresh or not in cancellation of the present contract."

4. Analysing that report the Executive Engineer, Water Works, said: "According to the specification, the contractors were to engage at least 400 men on the work of replenishment of filter beds. The number of men gradually dwindled down to 67 and 26 units were in arrears. Unless something has done immediately to pull up the arrears, a serious situation was bound to arise."

5. After a good deal of discussion, the Committee resolved as follows:—

"(i) That as the arrears in the work of replenishment of filter beds at Pulta have been mounting up, due to the failures of the contractors, Messrs. K. C. Ghose & Co., to maintain the requisite strength of labour, the contractors be asked to engage at least 600 men on the work by the 7th December, 1936, with a view to replenish at least 7 units per month, and that the Chief Engineer be requested to submit a report regarding the progress made by the contractors within a fortnight from date.

(ii) That an inspection of the filter beds be held by the Chairman, Mr. G. D. Mohata and Major Tee along with the Executive Engineer, Water Works, with a view to ascertain the state of things prevailing there." The matter came up for further consideration of the Water Supply Committee meeting on the 21st December 1936. At that meeting Mr. Atul Krishna Ghose and Mr. Amarendra Nath Ghose, representatives of the contractors, were present. Their contention was that the arrear work was suffering because the trolley line was not in proper condition and a number of trucks provided were unserviceable. The Executive Engineer, Water Works, said: "I can supply as many trucks as they require for their work, but I cannot supply them only to lie idle in the

yard, while the silt clearing work would suffer for want of trucks." As to the trolley line he said that it was quite in order and there were men on the spot who at once rectify any defect that might be noticed at any place. After further discussion, the Committee on 21st December 1936 resolved: "That the contractors be asked to expedite the work and reduce the arrears as far as possible."

6. It was very uncommon for anybody to forget in about seven months' time all the incidents as delineated above, and it was strange that Major Tee having taken part in the two meetings, dated the 26th November 1936 and the 21st December 1936, and having been commissioned, pursuant to discussions of departmental reports against Messrs. K. C. Ghose & Co. to inspect the Pulta Pumping Station, could be so oblivious of the records of those contractors that at the Corporation meeting, dated 11th August 1937, he gave a certificate of good work done by Messrs. K. C. Ghose & Co. in connection with their previous year's work relating to the Pulta filter beds.

7. Whatever might have been the value of all the discussions which took place at the Corporation meeting of the 11th August 1937, the fact remains that Messrs. K. C. Ghose & Co. did not desist from giving trouble again in their execution of the 1937-38 contract with regard to the working of the filter beds at Pulta. The departmental report furnished the following table:—

Item No.	Details.	Quantities.		Left un-washed and stacked at the end of the contract period.
		As per schedule and ordered for.	Actually executed.	
1	Supplying river sand including washing and filling.	C.ft.	C.ft.	C.ft.
		600,000	102,400	47,400
2	Ditto Mugra sand	100,000	23,700	38,000
3	Supplying, washing, filling in, levelling, gravel, etc.	7,100	567	1,342

and in submitting the same it was stated, "their failure to supply river sand is bound to reflect on the progress of replenishment work during October, November and December this year, because the stock of sand by that time will almost be exhausted under normal conditions. The short supplies in items (2) and (ii) meant that the small thickness of gravel and coarse sand in some of the filters replenished during the pendency of the contract could not be augmented where it was desirable to do so and as suggested during the course of investigation by the Water Supply Enquiry Committee."

8. The accepted tender of Messrs. K. C. Ghose & Co. amounted to Rs. 79,448-3. In the final bill submitted by them a claim for Rs. 1,11,344-13-3 was made. The Water Supply Committee on the 8th July 1938 referred to the Chief Engineer "for decision in terms of the agreements executed between the Corporation and the contractors the question of payment to be made to Messrs. K. C. Ghose & Co. in connection with the working of the filter beds at Pulta for the year 1936-37, and also for 8½ months from 16th July 1937 to 31st March 1938."

9. In terms of the above resolution the Chief Engineer was empowered to act as an arbitrator and his decision led to a total payment of

Rs. 79,433-12 for the aforesaid period of 8½ months. Certain extra items sanctioned by the Chief Engineer were held under objection in the Government Audit Report of 1938-39.

The items objected to were:—

	Rs. a. p.
(1) Cutting, carrying and removal of dirty sand to the sand washing machines and vats from cut and scraped sand previously stacked and heaped—20, 33, 297 cft. at Rs. 7 per 1,000 c ft. ..	14,233 1 3
(2) Finishing after cutting by finally scraping out the sand and levelling, etc., carefully without disturbing the lower layer—748,000 s.ft. at annas 12 per 100 s.ft. ..	5,601 0 0
Total ..	19,834 1 3

10. With regard to (1), the Auditors drew attention to clause (4) of the specification, wherein it was distinctly stated that no extra payment would be made for cutting and carrying sand from stacks.

11. With regard to (2) the Auditors pointed out that that work was included in item 2(b) of the specification and the extra payment was unjustified.

12. The Government Auditors proposed that the sum of Rs. 19,834-1-3 should be surcharged and recovered from the persons responsible for the irregular payment.

13. The matter in due course went up to the Law Officers of the Government and received a quietus on an opinion which was expressed by the Advocate-General on 17th May 1941. The Advocate-General admitted that the payments were not justified by the work done by the contractors, but the Corporation had no remedy as it was an award under clause 18 of the agreement. The following quotation from the Advocate-General's report will explain the position:—

"Reading clauses 4, 10 and 11 of the specification together, I am inclined to think that the item for cutting, carrying and removal of dirty sand to sand washing machines and vats from cuts and scraped sand previously stacked and heaped is included in the rates offered in the schedule of rates and no extra claim can be made therefor. The other item for finishing after cutting by finally scraping out the sand and levelling, etc., carefully without disturbing the lower layer, is also included in the rates offered in the schedule of rates and no extra claim is admissible therefor; but under clause 18, the Chief Engineer had power to decide as to the construction and meaning of the agreement and the specification or as to anything arising out of the contract or incidental thereto. Parties to the agreement are therefore bound by the decision of the Chief Engineer regarding the construction and meaning of the specification and the payment by the Corporation of the amount decided by the Chief Engineer would be a valid payment, which the Corporation was under a legal obligation to make."

(Sd.) A. K. ROY,
Advocate-General.

17th May 1941.

14. Thus, the contractors Messrs. K. C. Ghose & Co. made an unearned gain of Rs. 19,834-1-3 out of this contract and the Corporation lost that money because certain extraordinary powers were vested in one of their own officers as arbitrator who exercised these powers without proper consideration.

15. The same contractors, Messrs. K. C. Ghose & Co., were again given contract for working the Pulta filter beds during 1940-41 and 1941-42 and against the accepted tender for the two years

which was Rs. 42,472 per year, the Corporation on 7th March 1945 had to sanction payment of Rs. 1,80,508-2 on the tendered rates and fair rates sanctioned by the Chief Engineer under clause 18 of the specification. In that case also the Government auditors held the payment under objection and that objection became ineffective on the ground that an award under clause 18 of the specification, however questionable, was binding on the Corporation. It follows that whenever Messrs. K. C. Ghose & Co. succeeded in raising a dispute, the Corporation got the worst of it and the contractors were able to make an unearned gain of large sums of money at the cost of the rate-payers.

(D) *Kulti Outfall—Storm Water Sluice at Kulti—Contract No. III.*

1. Estimated expenditure sanctioned by the Corporation and approved by the Government—Rs. 3,10,079.

2. On 23rd April 1937 Corporation accepted the tender of Messrs. K. C. Ghose & Co., contractors, and entered upon an agreement with them for that sum plus Rs. 14,081 on account of contingency total Rs. 2,95,918.

3. According to the agreement the work was due to be completed by the 21st August 1938.

4. Work was not completed and the sluice could not be taken possession of before the 31st July 1940. Dr. B. N. Dey, Special Officer and Chief Engineer of the Corporation in his letter to the contractors, dated 23rd December 1937, drew the attention of the contractors to the lack of any satisfactory arrangements made by them to start the work in right earnest, although as he observed "the best working time was rapidly passing away". It appears from that letter that up till December 1937 the contractors had not even constructed a storage godown or collected sufficient materials for the construction thereof, not to speak of doing anything for the sluice proper. Dr. Dey concluded his letter as follows:—

"You are already aware of the importance of finishing the foundation work of such a big structure in one working season, but I regret to observe that practically nothing has been done to ensure a good progress."

5. He drew pointed attention to the necessity of arrangements for dewatering and for the excavation of the sluice foundation during the X'mas.

6. According to the contract the work consisted of the construction of one 18-vent sluice on the river Kulti near its junction with the Kumarjole-gaon at the tail end of the proposed Storm Water Channel of Dr. Dey's Kulti Outfall Scheme.

7. The letter from the Special Officer and Chief Engineer did not, in fact, produce any tangible effect. At one time the unsatisfactory progress of the work was reported to the Corporation through the Works Committee, and the Corporation resolved that if the contractors failed to ensure more satisfactory progress, the work would be taken out of their hands by the Chief Executive Officer without further reference to the Corporation.

8. On the 9th September 1938, i.e., after the stipulated period of the work was over and works still remaining unfinished, the Corporation referred the matter to the Works Committee for reconsideration of its previous resolution.

9. On the 29th November 1938, the Works Committee while reiterating their former resolution asked the contractors to submit their own programme about the completion of the work.

10. On the 8th February 1939, the Corporation gave a go-by to their earlier resolution about the taking away of the work from the hands of the contractors and demanded a programme of their own for the completion of the work by the 31st

May 1939. The work was not completed by that time and the Special Officer pointed out that "we would run a grave risk of flooding the whole country if this matter is allowed to be temporised," and he directed the department to call for tenders immediately for a smaller sluice to work as a stand-by. Contract for this work also was given to the same Messrs. K. C. Ghose & Co. on 16th May 1939, and this sluice was completed by the middle of July 1939.

11. On the 22nd February 1940 (nearly 18 months after the expiry of the date by which the construction of the Storm Water Sluice was to have been completed) the Works Committee resolved that "Messrs. K. C. Ghose & Co. be required to complete the work in every detail by 31st May 1940, no extension of time being allowed beyond that date under any circumstances and that failing this, the work remaining to be done, be taken out of their hands."

On the 17th May 1940, the Special Officer and Chief Engineer wrote to the Chief Executive Officer as follows: "The contractors are incorrigible. They have been given every chance to make good. I am therefore taking the work out of their hand and getting the same completed departmentally at their risk and cost. There is no other way. The matter is serious and very urgent." Presumably the Special Officer and Chief Engineer wanted to invoke the authority with which the Corporation had invested the Chief Executive Officer to take the work out of the hands of the contractors. The file, however, does not show what order the Chief Executive Officer passed on that letter from Dr. B. N. Dey. The work which, under the contract, should have been completed on the 21st August 1938 could not be taken possession of by the department before the 31st July 1940.

12. From Dr. Dey's letter to the Chief Executive Officer, dated the 17th May 1940, one would be led to the conclusion that this taking over of possession of the work by the Corporation on the 31st July 1940 might have been in pursuance of the Corporation resolution about taking the work out of the hands of the contractors in an incomplete state to be completed by the department at the risk and cost of the contractors. It was nothing of that sort.

13. Messrs. K. C. Ghose & Co. submitted their final bill amounting to Rs. 3,91,914-10 on 2nd August 1940, i.e., within two days of the taking possession of the work by the Corporation. The Special Officer and Chief Engineer Dr. Dey certified the work and settled the contractors' bill at Rs. 3,05,564-10 on 7th August 1940. The submission of the final bill by the contractors and the Special Officer's certifying the work and settling the final bill were all very rapidly done.

14. The Chief Accountant raised objections to the payment of the amount settled. His grounds, *inter alia*, were:—

- (1) The amount sanctioned under the contract was Rs. 2,95,918 and as this was exceeded, a revised estimate and fresh sanction of the Corporation and of the Government were necessary.
- (2) Over and above the monetary implication, there were material deviations from the plan inasmuch as 16-vent M.S. shutters were provided instead of 18-vent.
- (3) The 16-vent shutters which the contractors were bound to provide under the contract, were manufactured at the Corporation Workshop at Entally at a cost of Rs. 9,038 and this amount should be deducted from the dues of the contractors.

The contractors had been paid "on-account" a sum of Rs. 2,59,750 besides cement supplied to them of the value of Rs. 27,165 making a total of Rs. 2,86,915.

15. The objections made by the Chief Accountant to the acceptance of the Special Officer's settlement of the total claim of the contractors either for the purpose of final adjustment and payment or for a further on-account payment of Rs. 8,803 raised a storm in the Works Committee, of which Mr. R. N. Gaggar was the Chairman in 1946. Mr. Gaggar was severe in his criticism of the Chief Accountant's report, dated the 31st July 1946, and held that "that officer was responsible for deliberate and unaccountable delay in disposing of the case."

16. On the 17th November 1944 the Chief Law Officer was asked to express his opinion on certain specific matters among which were the following:—

- (1) Was the Special Officer and Chief Engineer competent to settle the final bill of the contractors? If so, was the settlement binding on the parties?
- (2) Was the Corporation legally entitled to treat the manufacture of the M.S. shutters in the Corporation Workshop as also certain other minor work done departmentally as works done at the risk and cost of the contractors?

17. To the reference made to him on the 17th November 1944 the Chief Law Officer replied on 21st June 1945, after some eight months, and his opinion was as follows:—

"(1) Having regard to the provisions of clauses 12 and 16 of the contract that the Chief Engineer and Special Officer's decision as to the amount, state and condition of work, quality of labour and materials, etc., shall be final, the Chief Engineer and Special Officer was competent under the agreement to settle the final bill of the contractors and that such settlement was binding on the parties.

(2) The contractors having failed to manufacture, supply and fix M.S. flap shutters, as they were bound to do under the contract, the Corporation, under the terms and conditions of the Agreement, was certainly entitled to treat the said work as done at the risk and cost of the contractors."

But the Chief Law Officer added, that "in view of the facts and circumstances set out below I am inclined to think that the Corporation waived that right or at least there is considerable difficulty in the way of the Corporation successfully enforcing such right:—

- (i) The M.S. shutters were not manufactured in the Corporation Workshop after taking possession of the work as contemplated in clause 8 of the Agreement, after giving requisite notice as provided therein.
- (ii) At a conference with the contractors held on 13th March 1940, it was decided by the Special Officer and Chief Engineer that the remaining twelve shutters would be manufactured at the Corporation Workshop, but no mention was made (as it should have been done) as to the shutters being so manufactured at the risk and cost of the contractors. This naturally raises a presumption in favour of the contractors.
- (iii) This presumption is strengthened by the fact that the contractors' final bill was settled by the Special Officer and Chief Engineer evidently under clause 16 of the conditions of contract without deducting the costs and charges incurred by the Corporation in getting the shutters manufactured and doing other works.
- (iv) The subsequent categorical statement of the Special Officer and Chief Engineer (*vide* his note, dated 30th January 1944) that 'there was no question of risk and cost when the contractors' bill was finally

settled by me' proves beyond any doubt that the manufacture of the shutters and the other minor works were not intended to be done at the risk and cost of the contractors."

In his note, dated 6th July 1943, the Outfall Engineer Mr. A. N. Banerji reminded Dr. De that "16 iron flap shutters had been manufactured and erected by the Manager, Entally Workshop, under order of the Chief Executive Officer Mr. Mukherjee as the contractors could not supply them in time. But as far as I remember the question of risk and cost, if any, was not taken by the Chief Executive Officer at the time of issuing orders as we were all anxious for the completion of the sluice which was long overdue."

18. On March 29, 1946, the Works Standing Committee passed the following resolution:—

"(i) That the Committee find on examining the relevant papers that the work in connection with the construction of storm water sluice at Kulti (Contract No. III) was duly completed and taken possession of by the Corporation on 31st July 1940 and are of opinion that the settlement of final bills of the contractors at Rs. 3,05,803-14 is quite fair and perfectly in order as per clauses 10 of the specification and 16 of the conditions of contract; they therefore record their strong disapproval of the Chief Accountant's action in deferring payment of the outstanding dues of the contractors on the ground of adjustment against some unknown claims of the Corporation for executing certain items in respect of the above work at the risk and cost of the contractors, and in view of the opinion of the Chief Law Officer, they recommend that an on-account payment of Rs. 8,803, i.e., the difference between the accepted tendered amount (Rs. 2,81,637) plus contingencies (Rs. 14,081) and the advance already paid to the contractors (Rs. 2,59,750) plus the value of cement (Rs. 27,165) be made.

(ii) That it be further directed that an item for obtaining necessary sanction to the revised estimate based on the settlement arrived at by the Special Officer and Chief Engineer as well as execution of the extra works done in this connection be put up forthwith before the Works Committee."

19. The aforesaid resolution was ratified at a meeting of the Corporation, dated 5th August 1946.

The following points emerge out of the facts set forth above in connection with this contract (No. III) regarding the construction of the storm-water sluice at Kulti:—

- (1) The tender for Rs. 2,81,637 of Messrs. K. C. Ghose & Co. for this work as accepted by the Corporation and the term in the agreement regarding the completion of the work by 21st August 1938 were treated as if they did not bind the contractors. The delay made by the contractors in the execution of the work was turned entirely to their advantage, and to serious loss of Corporation money. The tender for a comparatively low sum seemed to have been a mere device to oust rival contractors, and once they succeeded in getting the contract they did not care to abide by its terms and conditions.
- (2) In consequence of the violation of the agreement by the contractors, they succeeded in forcing the Corporation to (i) construct another sluice to work as a stand-by for which work also the same Messrs. K. C. Ghose & Co. got the contract on 16th February 1939, nearly six

months after the expiry of the agreed date of completion of the original work; (ii) to manufacture M.S. shutters at the Corporation Workshop and get them set up by the Corporation without having to pay for the same, although the contractors were bound under the contract to provide the shutters; (iii) to get minor works done by the department without any cost to them, and (iv) ultimately to get payment for a sum considerably in excess of the amount contracted for (Rs. 3,05,564 in place of Rs. 2,81,637).

20. About the work done by the contractors there is the recorded opinion of the Outfall Supervisor, Kulti, who, in his note, dated 25th August 1940, stated :—

Messrs. K. C. Ghose & Co. have not completed the repairs to arches of the storm-water sluice. The main cross-bund at Lowgachhi was dredged open on 15th August 1940 and the sluice was flooded with water from storm-water channel on that day.”

21. This was the state of the work on the 15th August 1940 after it was taken possession of by the Corporation on the 31st July 1940. One has to read this along with what Dr. De himself had said about the work of the contractors on the 17th May 1940. It is surely difficult to reconcile his observation, dated the 17th May 1940, with the certificate he gave and his settlement of the contractors' final bill on 7th August 1940, five days after the submission thereof on 2nd August 1940, although Dr. De subsequently brushed away his report, dated 17th May 1940, to the Chief Executive Officer by saying that he made that remark in his report during the progress of the work. 17th May to 31st July is surely not a long period. The Corporation agreed to bear and bore the cost of the M. S. shutters for reasons that will not justify what was virtually a gift. The Chief Executive Officer remarked that “this work is the contractors' work who in ordinary circumstances would have done the work themselves or through their agent. The Corporation Workshop came to the contractors' rescue as they could not manage to have the work done by another firm. The Workshop acted as the contractors' agents, as any other firm, say Jessop, Burn & Co. would have been, if the work was entrusted to the latter by the contractors and yet the contractors gained and the Corporation lost a sum of nearly Rs. 10,000. The way in which the contractors, Messrs. K. C. Ghose & Co., handled this work all through, the *volte-face* of the Special Officer and Chief Engineer Dr. De, and the hurry with which he certified the work and settled the final bill at a considerably higher sum outside the contract, the support which the contractors received from the Works Standing Committee and the Corporation in general, and the absence from the file of what order was passed by the Chief Executive Officer on the Special Officer's report, dated the 17th May 1940, must lead to the conclusion that there was something very odd in this transaction.

(E) *Kulti Outfall Scheme—Construction of D.W.F. sluice by Contractors Messrs. K. C. Ghose & Co.—Contract No. IV.*

1. This work, estimated by the department at Rs. 84,840, was a sequel to the construction of the main storm-water sluice by contractors Messrs K. C. Ghose & Co. as per Contract No. III of Kulti Outfall Scheme, already examined.

2. Had not Messrs. K. C. Ghose & Co. dilly-dallied with the work in connection with Contract No. III, causing, in the words of Dr. B. N. De, the Special Officer and Chief Engineer, “a grave risk of flooding the whole country,” necessitating

urgent measures for the prevention of a catastrophe which might render the Corporation liable to pay heavy damages, the occasion would not have arisen for Mr. De to direct the department to “call for tenders immediately for a smaller sluice as a stand-by.” In other words Messrs. K. C. Ghose & Co. created this work in the course of their execution of Contract No. III and in that way compelled the Corporation to incur additional expenditure involving a large sum of money and reaped all the benefit out of it.

3. Messrs. K. C. Ghose & Co. and three other contractors submitted tenders for this work. Messrs. K. C. Ghose & Co.'s tender for Rs. 69,639-2 was the lowest, but it was vitiated by a subsequent letter from them by which they wanted to alter the rates under certain items of the schedule for which the Accounts Department characterised the tender to be “informal” and not a proper tender. The proceedings of the Works Standing Committee Meeting, dated 24th January 1939, record the following observation of the Chief Accountant: “In this particular case, the correction amounting to Rs. 2,227-8 was intimated by the tenderers after the tenders were opened, i.e., after they came to know that the difference between their original tender and the second lowest was much more than the amount of correction.”

4. The Outfall Engineer had reported: “To add to our difficulties, the site for the work is very near the storm-water sluice where the lowest tenderer, Messrs. K. C. Ghose & Co., is already working. This may to a certain extent impair the smooth progress of work in both the sluices due to labour trouble. But the completion of the D. W. F. sluice before the coming monsoon is of such a vital necessity that neither the above consideration nor the question of economy should stand in the way of selecting the best agency to ensure satisfactory completion of this work before the coming monsoon and no risk of the repetition of an unassured completion should be taken in this particular case.” The Deputy Executive Officer (Sri S. Chatterjee) drawing attention to the ineptitude of the contractors Messrs. K. C. Ghose & Co. recommended that the work should be done departmentally. He pointed out that according to the estimate amounting to Rs. 80,800 (barring 10 per cent. contingencies and supervision), the materials roughly came to Rs. 64,000 and the balance of Rs. 16,800 denoted the cost of labour. He said, “It will be only Rs. 16,800 which the department will be called upon to handle if the work is allowed to be done under their control, and certainly the Chief Engineer and his staff should be considered competent to carry out the work involving such a small amount, with efficiency and success. The good name and the prestige of the department will be at stake and they may be expected to do their best to make a good job of their work and complete it before the monsoon breaks.”

5. The Committee, however, disregarded the foregoing facts and arguments and resolved as follows:—

(i) That the lowest tender, viz., that of Messrs. K. C. Ghose & Co. amounting to Rs. 69,639-1 plus 5 per cent. for contingencies and 5 per cent. for supervision for the construction of the D. W. F. sluice at Kulti be recommended for acceptance and that the agreement to be accepted by them be approved.

(ii) That Messrs. K. C. Ghose & Co. be asked to submit a programme of work, showing completion within time, it being understood that in case they fail to stick to that programme, their contract will be cancelled.

6. Mr. N. C. Sen was the Chairman of the Works Standing Committee at that time. He

argued for the acceptance of Messrs. K. C. Ghose & Co.'s tender in the following manner:—

"Messrs K. C. Ghose & Co. had been working within 100 yards from the site and there would be great trouble if the work was entrusted to some other contractor. As regards the point raised by the Chief Accountant, they need not take into consideration the subsequent letter of Messrs. K. C. Ghose & Co."

7. That the lowest tender of Messrs. K. C. Ghose & Co. for a sum of Rs. 69,639 was a mere ruse will be evident from their subsequent conduct. By not acting up to their own programme the contractors managed to create extra work beyond the contract and eventually presented in their final bill a claim amounting to Rs. 1,82,383 (bill No. 1914C, dated the 20th November 1940), out of all proportion to the departmental estimate of Rs. 84,840 for the tender value amounting to Rs. 73,121 including contingencies, etc.

8. After having succeeded in capturing the contract by luring the Corporation by a low tender, the usual device of Messrs. K. C. Ghose & Co. was followed from the beginning and the same story, as in other cases of contract with them, of not doing the work in proper time and in the proper manner, all to the loss of the Corporation and gain to the contractors, was repeated.

9. On 10th December 1939, the contractors submitted their programme to complete the work within the specified time of six months of the date of intimation of the acceptance of the tender. The acceptance of their tender was intimated to Messrs. K. C. Ghose & Co. on 16th February 1939. Overseer, Kulti, reported to the Outfall Engineer on 9th March 1939 that instead of starting the work within a week from the date of intimation of acceptance of tender as per paragraph of their programme, the contractors started on 8th March 1939. The Outfall Engineer observed that the excavation was roughly 60,000 cubic feet in ten days' time and he was convinced that at that rate the work could not be completed before monsoon. In consultation with the contractors' representative Mr. A. K. Ghosh, the Outfall Engineer, directed that more labourers must be put to this work so that the whole earthwork might be finished by the middle of the 15th April and two walls by the 7th of April.

10. The Outfall Engineer's report dated 19th April 1939 to the Special Engineer showed that excavation work was going behind time, that the labour strength maintained by the contractors was insufficient, that earthwork which should have been completed by the middle of April was not done and that of the two walls on two sides of the channel, concreting of which should have been completed by the 7th April, one remained to be done. The Outfall Engineer raised the alarm that the prospect of finishing the work before the outbreak of monsoon was very remote and ended by saying, "That situation is really serious as even a moderate shower of rain will completely dislocate the work and the working time is fast vanishing." Apprehending that it would not be possible to finish the structure with the existing strength of labourers, he recommended that twelve "Armeo" pipes 50 feet long at a cost of Rs. 9,000 should be fixed "to save the Corporation from heavy compensation due to interception of drainage passages of a vast area." Extra work involving much heavier cost and deviations to the advantage of the contractors had to be conceded.

11. On 2nd June 1939, the Outfall Engineer reported to the Special Officer that the Mayor who, as ex-Chairman of the Works Committee got a programme from the contractors, was extremely anxious to know up-to-date progress of the dry weather flow sluice and the prospect of its being put into commission during the monsoon. The

Outfall Engineer stated in his report, "I am very much sceptical about the progress, for it will be seen from the details of unfinished items given below that more than 75 per cent. of work still remains to be done."

12. On 26th July 1939 the Outfall Engineer reported as follows:—

"I inspected the work yesterday. Masonry work in the main sluice is practically complete. But several other important works remain to be done without which the sluice cannot be operated. They are:—

- (1) Bottom grooves for draw shutters not ready.
- (2) Flaps not yet been fixed. The contractors' men, on the ground that the flap shutter is heavy (14 cwt.), are taking all the pieces out and want to refix them *in situ*. This should be stopped as it will weaken the flap. I do not know why flaps cannot be fixed intact when draw shutters of the same weight were hoisted and fixed.
- (3) No earth filling at the back of the abutments, and no wing walls have yet been done.
- (4) The outfall channel has not yet half finished. I understand there was no earth-cutting coolies since Mr. Atul Ghosh left the place four days ago. The sluice cannot be put into operation without its completion.
- (5) I was not satisfied with the mortar used. The proportion appeared to be much weaker than 3:1 of the specification.
- (6) The forward concrete beyond the outer drop walls is not finished.
- (7) Masonry in invert has not yet been flush-pointed and centerings have not yet been removed which is to be done immediately.
- (8) Finally, I inspected minutely the piers yesterday over which loading has taken place. I suspect there will be some kind of settlement cracks developed due to rapid over-loading before proper settlement."

On 10th August 1939, the Officiating Chief Engineer, Mr. P. C. Bose, reported that the dry weather flow sluice was brought into operation on and from the 7th August 1939 and was working satisfactorily. On 22nd August 1939 the Overseer, Kulti, reported that vertical cracks had appeared in the southern upstream and downstream wing walls of the sluice, and that the cracks extended from the top of the walls vertically down to about 6 feet. Cracks in the walls had been discovered earlier also, *vide* Overseer's report dated 3rd July 1939.

13. Following advances or on-account payments were made to the contractors:—

Rs.		
29,000	..	on 12th May 1939.
31,000	..	on 24th June 1939.
22,000	..	on 16th October 1939.
Total ..	82,000	

14. This sum of Rs. 82,000 exceeded the total tender value of the work amounting to Rs. 73,121 including contingencies and supervision charges and curiously enough there was no agreement executed and no revised estimate made either even at the time of the payment of Rs. 22,000 on 16th October 1939. The Corporation had supplied cement of the value of Rs. 7,500 which was to be recovered from the contractors. Taking the value of the cement, the advance payments therefore actually amounted to Rs. 89,500. The Outfall Engineer had, in the meantime, assessed the value of the work done at Rs. 93,000

which had not been accepted either by the Chief Engineer or the contractors. As a matter of fact, Dr. De, the Special Officer, was prepared to allow up to Rs. 84,480 at the outside. In his comments, dated 24th April 1941, on the final bill of the contractors amounting to Rs. 1,82,383 as against the tender value of Rs. 73,121 and the departmental estimate of Rs. 84,840, the Outfall Engineer reiterated the history of this work as having originated on account of the non-completion of the storm-water sluice by Messrs. K. C. Ghose & Co. who had, by their action, placed the Corporation in a serious plight in 1938 and drew attention to the fact that in this case also "the contractors were always behind their own programme of work by more than a month. Had they been able to stick to their own programme, a good deal of extra work, particularly those arising out of flooding the working zone on 21st June 1939 and for extra precautionary measures to operate the sluice in a premature stage could have been avoided." The Outfall Engineer also made a mention of the deviation which had been permitted and said, "For rapid execution of the work, you (Special Officer, Dr. De) were pleased to sanction some deviations and extra works like changing M. S. shutters to wooden shutters, heavier guide channels, change in the proportion of mortar for quicker setting and the like. These facilities of deviation if withheld, would have created further difficulties both engineering and financial, on the part of the contractors." In another report to the Special Officer, the Outfall Engineer stated, "Apart from the deviations, you were pleased to permit the contractors to use their own cement to the tune of nearly 600 tons, only 150 tons being supplied departmentally."

15. An idea of the nature of extra work for which the contractors pushed up their claim for payment outside the tender will be found in the following items of their bill:—

	Rs.
(1) Dewatering the zone after flood ..	24,562
(2) Removing liquid silt ..	6,000
(3) Sand washed away by flood ..	2,000
(4) Hogla shed over the sluice zone ..	13,000
(5) Extra cost of night labour ..	7,000
Total ..	<u>43,217</u>

It is apparent that but for their going slow despite the assurance given in their own programme, it would not have been necessary to carry the work right into the monsoon involving extra work of a protective nature. Efforts were made to settle the claim of the contractors amicably. Invitations to come to confer with the Chief Engineer were disregarded by the contractors. In July 1941 the matter was placed before the Works Standing Committee and while it was pending with them, Messrs. K. C. Ghose & Co. addressed a letter No. 661/41, dated 20th August 1941, to the Chairman and members of that Committee challenging the report of the department about reducing the claim made in the final bill of the contractors. In the meantime, on 5th August 1941, a notice of a civil suit, under section 538 of the Calcutta Municipal Act was received. In that notice, over and above the amount claimed for the work, further claim was made for (1) interest at 10 per cent. and (2) Rs. 25,000 as compensation.

16. The Corporation and the officers of the department found themselves in a tight corner. The departmental estimate of Rs. 84,840 was about all the money that could be had for this work and Rs. 82,000 plus 150 tons of cement had already been advanced. An assurance had been given to the

Finance Committee that this contract would not exceed the estimate. After settling the final bill of the same contractors for the storm-water sluice at Rs. 3,05,600 against the tender of Rs. 2,95,718 this bill for Rs. 1,82,383 for the dry weather flow sluice against the tender of Rs. 73,121 put the Corporation and the departmental officers at the rope's end.

16. This matter was one of the items in the agenda of the Works Committee meeting dated the 16th September 1941, wherein it was resolved:—

"In view of the facts disclosed by the Outfall Engineer the Committee is unable to entertain the claim preferred by Messrs. K. C. Ghose & Co."

This was followed by a notice of a motion from a Councillor, Mr. C. Griffiths (Anglo-Indian), for rescinding the above resolution and reconsideration of the matter. The motion fell through at the meeting of the Works Committee held on the 4th December 1941, on account of the absence of the mover.

17. In terms of clause 10 of the Agreement the contractors then sought for arbitration and appointed Mr. Kiran Sankar Roy as their own arbitrator and in their letter, dated the 5th June 1942, the contractors called upon the Corporation to appoint their arbitrator. This came up for consideration at the Corporation meeting dated the 12th June 1942, which authorised the Chief Executive Officer to appoint an arbitrator on behalf of the Corporation and settle his remuneration. Mr. P. C. Roy, Superintending Engineer, Irrigation, was appointed arbitrator on behalf of the Corporation on a fee of Rs. 250 per day in addition to travelling allowance admissible under the rules. Government in their letter No. 1605-I.E., dated the 13th July 1942, accorded approval to the appointment with the direction that Rs. 100 out of daily fee of Rs. 250 should be credited to Government.

18. Messrs. K. S. Roy and P. C. Roy jointly issued a notice on 11th August 1942 fixing the 15th August 1942 and the third floor of the Aryasthana Insurance Building at 15, Chittaranjan Avenue, as the date and venue of their first meeting of arbitration. Much water has since then flowed down the Ganges and although we are now at the end of 1948, no finality has yet been reached about this bill of Messrs. K. C. Ghose & Co. Probably the whole matter will require to be gone into *de novo* owing to the fact that the Hon'ble Mr. Kiran Sankar Roy is now dead and another arbitrator will have to be appointed in his place from the side of Messrs of K. C. Ghose & Co., the contractors.

19. To sum up, avoiding a repetition of the comments already made on other contracts of the Corporation with Messrs. K. C. Ghose & Co. and which are equally apt in this case as well, suffice it to say that the heavy liabilities incurred on account of this work were unnecessary and could have been avoided if there was any determination on the part of the Corporation and their staff to serve the rate-payers and deal firmly and in the proper way with the contractors in their execution of Contract No. III relating to the storm-water sluice. This firm of contractors had been pampered before and they adopted the same tactics in executing this work as well. It passes one's comprehension how the Corporation could be oblivious of the need for bringing the arbitration proceedings to an early termination and not draw attention of Messrs. K. C. Ghose & Co. to the necessity for appointing some one else in place of the Hon'ble Mr. K. S. Roy. The contractors have claimed interest at 10 per cent. and so far as they are concerned they probably think that delay does not matter a lot but it may very much matter to the rate-payers.

(F) Contract No. 12B.—Construction of Service Road—0 to 9th mile of Dr. De's Kulti Outfall Scheme.

1. Sanctioned estimated amount Rs. 87,050 plus contingency at 5 per cent. Rs. 4,352—total Rs. 91,402. Tendered amount of contractors Messrs. K. C. Ghose & Co. Rs. 76,652 plus contingency Rs. 3,833—total Rs. 80,485. The work was entrusted to Messrs. K. C. Ghose & Co. on 10th March 1939 and was due to be completed in two years' time ending 9th March 1941.

2. This is another instance of the same tactics adopted by the contractors Messrs. K. C. Ghose & Co., as in other cases, of wilful procrastination, eventually getting the rates enhanced and squeezing out of the Corporation a much larger sum beyond the contracted amount. The following advance payments were made for this work:—

	Rs.
5th December 1939 ..	6,500
8th February 1940 ..	13,000
3rd October 1940 ..	5,000
23rd April 1941 ..	30,000
Total ..	<u>54,500</u>

and later on in pursuance of the Corporation Resolution, dated 21st February 1945, directing that on-account payments on the responsibility and certificate of the Special Officer and Engineering Adviser be made to the contractors regularly to expedite completion of the work, more advance payments totalling in all Rs. 94,677-5 were made. To this advance payment, Rs. 10,000 is to be added as sanctioned by the Administrative Officer on 5th October 1948 on the recommendation of the Chief Engineer. The final bill of the contractors which was submitted on 25th September 1947 amounts to Rs. 2,13,764-7-6 as against the accepted tender of Rs. 80,485 only. The work which the contractors were bound to complete on or before 9th March 1940 was reported by the Chief Engineer to have been completed in May 1948, though the Chief Engineer in the said report, dated 1st October 1948, stated that "some defects have still to be rectified." The Chief Engineer reported that the final bill was based on "joint measurement" taken on 12th July 1947 and it was countersigned by the Outfall Engineer on 27th August 1947. The final bill which was submitted by the contractors on 25th September 1947 was dated 28th July 1947, but the Chief Engineer's report dated 1st October 1948 about the completion of the work in May 1948 with the reservation that "some defects have still to be rectified" makes one wonder how the final bill on the basis of joint measurement could be drawn up on 28th July 1947.

3. The rates for earthwork and other work were increased by the Works Committee in a meeting held on the 6th November 1944 on the recommendation of the Special Officer, Dr. Dey, and the Corporation confirmed the resolution of the Works Committee in the meeting dated 21st February 1945. The Corporation resolution ran as follows:—

- (1) "That in view of the report of the Special Officer and Engineering Adviser, adequate quantity of burnt *jhama* packing and one single soiling in lieu of double brick soiling for a portion of the service road for which there may be shortage of bricks be allowed, in connection with the contract for the construction of 0—9 miles of the road in Dr. De's Kulti Outfall Scheme by Messrs. K. C. Ghose & Co."
- (2) "That the revised rates suggested by the Special Officer and Engineering Adviser as under be sanctioned."
- (3) "That for items of work other than earthwork the revised rates as suggested by the Special Officer and Engineering Adviser be sanctioned."

4. The contractors had asked for extension of time up to June 1942 on the ground that two brick seasons were necessary for manufacturing bricks. June 1942 passed away, but the work was not completed. The matter was reported to the Works Committee and it was pointed out that owing to non-completion of the road embankment by the contractors, a large quantity of earth was washed away. The Works Committee resolved on the 14th November 1942 that "without prejudice to the rights of the Corporation as to the realisation of damages that might have accrued or may accrue in future as also without prejudice to all other rights under the contract including the right of taking the work out of their hands and getting it done by some other agency, the contractors be called upon to complete the work by the 28th February 1943." Even then the work was not completed. The contractors made the excuse that they could not finish the work as the Corporation had failed to give them the help of a steam-roller in proper time. The lending by the Corporation of a steam-roller was no part of the contract. But even that pretence of the contractors was entirely false as it was pointed out that a steam-roller D2 had been made available to the contractors at the site as early as the 21st May 1941 which was purely a matter of concession. The real reason why the steam-roller could not be fully utilised by the contractors lay in the fact that the road had not been constructed to be rolled and the steam-roller could not be used. The Works Committee made an inspection of the road and after giving notice to the contractors for their presence at a meeting held on 19th February 1943 passed the following resolution:—

- (1) "That the Chief Engineer shall make over to the contractors one six-ton steam road-roller as soon as possible but not later than 1st March 1943 at the Bantala end of the road on hire and usual term, the cost of conveyance to and from incurred in connection therewith being paid by the contractors."
- (2) "That the contractors undertook to complete the construction of the road (0 to 9th mile) under the contract by the 20th June 1943, failing it, the Chief Engineer will be at liberty to cancel the contract and to carry on the remaining part of the work departmentally or otherwise at the risk and cost of the contractors."
- (3) "That those resolutions are without prejudice to the rights of the Corporation under the contract."

A six-ton steam road-roller (D. III) was made available to the contractors in pursuance of the above resolution before the 1st March 1943. 20th June 1943 rolled by but the work was not completed in spite of the fact that date was fixed in consultation with the contractors who were asked to be and were present at the Works Committee Meeting, dated 19th February 1943.

5. On 24th June 1943, the Chief Engineer called in a conference with the contractors and his departmental officers and it was revealed at that meeting that (1) 5 miles of road embankment out of 8½ miles was still left untouched, (2) more than 7 lakh of bricks required for the work were wanting, (3) 16 lakhs cubic feet of earthwork still remained to be done and this was mostly due to abnormal wastage of earthwork in unfinished road embankment exposed to three monsoons. After a full discussion the Works Committee on 3rd December 1943 passed the following resolution:—

- (1) "That the Committee is of opinion that in view of the persistent default of the contractors Messrs. K. C. Ghose & Co., it is of no use keeping the works in their hands any more, particularly in view of the fact that they have broken the undertaking which they had given."

- (2) The Committee, therefore, directs that the Special Officer on behalf of the Corporation do take the work out of the contractors after giving the requisite notice and that the remainder of the work be done either departmentally or through some other agency at the risk and cost of the contractors.
- (3) That the Special Officer be requested to submit an estimate of cost of doing the remainder of the work departmentally."

6. On perusing the above resolution one would think that ultimately the Corporation had awakened to a sense of duty towards the rate-payers and was resolved to stand no more nonsense. It was not so. No sooner the resolution, dated 3rd December 1943, was passed then the Corporation was presented with a motion from Messrs. Z. Ahmed, D. N. Ghose and A. C. Mitra proposing "that the resolution of the Works Committee, dated 3rd December 1943, regarding construction of the service road between 0 and 9th mile of Dr. Dey's development scheme be rescinded and that the matter be reconsidered and that no action be taken in the matter till disposal of this motion." The Works Committee on the 21st January 1944 resolved as follows:—

- (1) "That the motion be admitted.
- (2) That further consideration of the matter be postponed to the next meeting when the contractors' representative be asked to appear before the Committee,"

and the Corporation resolved (1) "that the consideration of the matter be postponed till the next meeting and that in the meantime the contractors Messrs. K. C. Ghose & Co. be requested to send by Tuesday to the Chairman copies of the correspondence that passed between them and the department regarding road-rollers, (2) that the Outfall Engineer be requested to see the Chairman with the main file in this connection on Monday next."

7. Quotations from the proceedings of the Works Committee meeting held on 3rd December 1943 will be interesting reading:—

"In reply to the Chairman, the Outfall Engineer stated that there was no improvement in the position. The contractors were not doing any work there. The road-roller was made over to them as per direction of the Committee nine months ago and it was lying idle all the time."

It appeared to him that the contractors would not complete the remainder of the road. Out of 9 miles they completed only $3\frac{1}{2}$ miles and this in over three years.

MR. DALAL: * * * About two years ago when I went to Kulti I was informed that the other contractors had completed their portion of the Kulti road, while Messrs. K. C. Ghose & Co. had not done anything. This was in 1942. * * * We have given enough time and, I would say, indulgence to these contractors who had defaulted in carrying out their part of the undertaking. We have made over to them one six-ton steam-roller for completing the road on condition that they would complete the construction by 20th June 1943. The road-roller was made over sometime in March last. This was no part of the contract but in order to have the road completed as soon as possible, we allowed them this concession. * * * The work was entrusted to them in March 1939, and we are in December 1943. The other contractors have completed their part of the contract. In November 1942 the Works Committee passed the following resolution (refers to the resolution requiring the contractors to complete the work by the 28th February 1943). "I am told that although it was stipulated that the road would be completed by 28th

February 1943, nothing has been done. The contractors have got no man on the spot and the steam-roller is lying idle. If you refer to the proceedings of the conference held by the Chief Engineer in June last, you will find that the contractors now want more money. My suggestion is that the work should be taken out of their hands and the Chief Engineer should be asked to have the remainder of the work done by some other agencies at the risk and cost of the contractors."

CHAIRMAN: "Almost nine days before the time-limit allowed, the Works Committee directed the Chief Engineer to make over to the contractors one six-ton steam road-roller, the condition being that the contractors would complete the construction of the road by the 20th June 1943, failing which the Chief Engineer would be at liberty to cancel the contract and to get the work done either departmentally or through some other agency at the risk and cost of the contractors. I fail to understand why the Chief Engineer did not carry out this direction of the Committee. The road should have been completed by the 20th June 1943, and although six months have elapsed since, the Chief Engineer did not move in the matter."

THE SPECIAL OFFICER (DR. DEY): "The resolution of the Works Committee has not yet been confirmed by the Corporation. In the meantime the contractors submitted a representation and I held a conference with them, the proceedings of which have been circulated for this meeting. * * * I could not take the work out of their hands as there was difficulty of getting labour at that time and besides the Committee's resolution should have been confirmed by the Corporation."

CHAIRMAN: "You did not inform that Committee that the contractors had failed to carry out their part of the undertaking?"

SPECIAL OFFICER: "Yes, I wanted to place the whole matter before the Committee after the conference."

MR. DALAL: "It was the clear duty of the Chief Engineer to cancel the contract or if that was not possible in the absence of the confirmation of the Committee's recommendation by the Corporation, to get a direction from the Committee."

SPECIAL OFFICER: "Merely taking out the work out of the hands of the contractors would not have solved the problem. There was difficulty in getting the work done departmentally at the time. In the report which is now before you I have stated, I do not think it would be desirable to continue the existing contract on the rates of earthwork accepted four years back which, in the opinion of the department, will never ensure completion of the work."

CHAIRMAN: "This report will help the contractors."

SPECIAL OFFICER: "That may be, but I must clarify the position. If you want to have the work done departmentally, the cost will be more. I now find that labour is available there and it will be possible, if you so direct, to get the work done departmentally."

CHAIRMAN: "The contractors have been given ample opportunity and have been shown enough indulgence. But they have failed to carry out the undertaking given to the Committee. Therefore, the Chief Engineer is now given the liberty to cancel the contract and to get it done at their risk and cost."

In reply to the Chairman, the Outfall Engineer stated that the contractors had practically stopped the work. There were only four or five men on the spot.

CHAIRMAN: "In September last when we went to inspect we found that nothing was done. The contractors are only keeping up a show."

MR. S. C. BOSE: "When did they stop work?"

OUTFALL ENGINEER: "They practically stopped work from October, i.e., after the Pujas."

CHAIRMAN: "How much they have constructed?"

OUTFALL ENGINEER: "They have done 3½ miles out of 9 miles."

CHAIRMAN: "How much they have been paid so far?"

OUTFALL ENGINEER: "About Rs. 40,000 against the contract value of Rs. 78,000."

CHAIRMAN: "According to you they have completed 3½ miles of the road or a little more than one-third of the work. You have paid them nearly half the total amount."

(It is not true that the contractors had been paid only Rs. 40,000 by December 1943. It will be seen from paragraph 2 of this report that Rs. 54,000 had been advanced to the contractors by 23rd April 1941.) It was grossly careless of the Outfall Engineer to mention a lesser figure at the meeting and it was odd that he did so seeing that all payments on account had been made on his recommendation.

8. Let us again proceed chronologically tracing the devious course of this contract with Messrs. K. C. Ghose and Co. since the Works Committee resolution, dated the 3rd December 1943, about the cancellation of the contract and taking the work out of the hands of Messrs. K. C. Ghose and Co. That resolution was rendered inoperative by the subsequent resolution dated the 21st January 1944. The Corporation having referred the matter back to the Works Committee, that Committee on the 10th March 1944 reiterated their resolution of the 3rd December 1943 and the Works Committee resolution of the 10th March 1944 was confirmed by the Corporation in its meeting held on the 24th March 1944. There was again a requisition for a special meeting of the Corporation for reconsideration of the above resolution and the Corporation in May 1944 went back on its resolution, and referred this matter back to the Works Committee.

9. Departmental reports showed that up to the end of June 1944 more than 3 miles of the road still remained untouched. At this time the Special Officer began to press for a revision of rates of the tender on the ground that the rates which were accepted four years ago were too low compared to the prevailing rates of the time and that the Corporation was becoming a loser every day by the washing away of the unconsolidated earth-work and by the theft of bricks. It was pointed out that during the period from 2nd March to 2nd June, i.e., in three months, the total further length of road consolidated was only 8,700 feet.

10. On the 13th June 1944 the Corporation resolved as follows on a Requisition Motion:—

(i) "That the resolution of the Corporation, dated the 24th March 1944, terminating the contract between Messrs. K. C. Ghose & Co. and the Corporation be rescinded.

(ii) That the matter be referred to the Works Committee for further consideration."

11. On the 10th July 1944 the Works Committee resolved:—

(i) "That consideration of the matter be postponed and that in the meantime the Outfall Engineer be requested to place the whole file including the proceedings of the Works Standing Committee, dated the 4th February 1944, and the proceedings of the conference held on the 24th June 1943 before the Chairman, the Deputy Chairman, Mr. R. N. Das and Mr. Md. Taufiq on Saturday, the 15th instant, at 5 p.m.

(ii) That it be a direction that the item be brought up before the Committee at the next meeting when the representative of the contractors, Messrs. K. C. Ghose & Co., be asked to be present."

The Committee met next on the 4th September 1944 on which date they decided to postpone consideration of the matter till they met again.

12. On the 14th September 1944, the following resolution emanated from a meeting of the Works Committee:—

- (1) "That in connection with the contract for the construction of the road 0 to 9th mile in Dr. De's Kulti Outfall Scheme, the contractors, Messrs. K. C. Ghose & Co., be granted a further extension of time up to the 31st March 1945, for completion of the work on the definite understanding that no further extension of time will be allowed on any account.
- (2) That the contractors be asked to submit a fortnightly report on the progress made on the construction of the road through the Special Officer and Engineering Adviser, to be placed before the Committee.
- (3) That the consolidation by rolling be done departmentally, the cost being adjusted against the contractors' bill.
- (4) That in case the progress is found to be unsatisfactory, the contract will be cancelled and the work will be taken out of their hands and carried out by some other agency at the risk and cost of the contractors without prejudice to any other rights of the Corporation in this behalf.
- (5) That on-account payments on the certificate and responsibility of the Special Officer and Engineering Adviser be made to the contractors regularly after inspection by the Special Officer and Engineering Adviser with a view to expedite completion of the work.
- (6) That the Outfall Engineer be asked to submit a report regarding cases of delay in making payment to the contractors.
- (7) That it be a direction to the Chief Executive Officer that on-account payments be made to the contractors on the basis of the value of work done and certified by the department.
- (8) That in case it becomes possible to get permit for coal for burning bricks the question of extension of time be brought up for further consideration.
- (9) That a Sub-Committee consisting of the following members be appointed to go into the question of fair rates for different items of work including earthwork to be done and which has already been done in consultation with the Special Officer and Engineering Adviser:—
 - (1) The Chairman.
 - (2) The Deputy Chairman.
 - (3) Mr. N. C. Sen.
 - (4) Mr. R. N. Das.

(10) "That the question of having single soling over a part of the service road, due to shortage of bricks, if any, be dealt with by the Sub-Committee and that the Special Officer and Engineering Adviser be asked to submit a report on this point in time for the meeting to be held on the 13th October next at 4.30 p.m.

(11) "That the Special Officer and Engineering Adviser be requested not to ask the contractors *not (?)* to do any further earthwork till the Sub-Committee had finished their investigation."

13. On the 13th October 1944, the Special Committee had before them a report from the Special Officer and Engineering Adviser. In that report enhancement of rates for various items, specially earthwork, was advocated. It was stated in that report from Dr. De that the contractors had manufactured the full requirements of bricks for the road, but about 6 or 7 lakhs of the bricks were lost by theft over which, according to Dr. De, "neither the contractors nor the Corporation could have any control." In his opinion, the only way in which the situation could be met was by allowing a single soling in place of double soling over a portion of the road and packing it up with an adequate quantity of *jhama*. Dr. De further pointed out that the Corporation had the right to make this deviation under clause 10 of the specification. With regard to earthwork Dr. De suggested the following rates in place of the tendered rate of Rs. 3-8 per 1,000 cubic feet:—

58 lakhs cubic feet at the tendered rate of Rs. 3-8 per 1,000 cubic feet.

26 lakhs cubic feet at the increased rate of Rs. 12 per 1,000 cubic feet.

16 lakhs cubic feet at the increased rate of Rs. 15-8 per 1,000 cubic feet.

14. The Sub-Committee on the 13th October 1944 agreed to the above recommendations of the Special Officer and Engineering Adviser and advised their acceptance by the Works Standing Committee.

15. On the 6th November 1944 the Works Standing Committee accepted the enhanced rates recommended by Dr. De both in respect of the earthwork as well as other items of work and gave the direction for the preparation of a revised estimate on the basis of those rates together with a direction on the Chief Accountant to submit a report on the revised estimate within a fortnight.

16. The resolutions of the Works Committee, dated the 6th November 1944, came up before a meeting of the Corporation on 24th January 1945 on which day that body decided to postpone consideration thereof for a fortnight. A month later, i.e., on the 21st February 1945, the Corporation ratified the resolution of the Works Committee about (1) single soling with *jhama*-packing in a portion of the road in place of double soling, and (2) the revision of the rates as recommended by Dr. De.

17. On the same day, 21st February 1945, the following Councillors and Aldermen made a requisition in writing under section 58(2) of the Calcutta Municipal Act, 1923, requesting the Mayor to call a special meeting of the Corporation for rescinding the resolution of that date and for further consideration of the matter regarding the Kulti Road construction. The Councillors and Aldermen who signed the requisition were:—

- (1) M. Hossain.
- (2) A. Sattar.
- (3) T. Ahmed.
- (4) M. Solaiman.
- (5) M. M. Huq.
- (6) Nabi Rasul.
- (7) A. K. M. Baquer.
- (8) Kamal Krishna Das.
- (9) Md. Hossain.
- (10) Mowdudur Rahaman.
- (11) R. K. Das.
- (12) B. Laskar.
- (13) A. A. Wise.
- (14) B. N. Roy Chowdhury.

Leave to move the motion having been refused, the requisition fell through on 28th March 1945.

18. By another requisition a fresh request to the Mayor was made on the 5th September 1945 by the following Councillors and Aldermen to convene a special meeting under section 58(2) of the Act to consider the following motion:—

"That the resolution of the Corporation, dated 21st February 1945, regarding item No. 8 regarding construction of road at Kulti be rescinded and the matter be reconsidered."

Pending the disposal of this requisition no payment be made."

(1) Naresh Nath Mookherji.

(2) S. K. Sarkar.

(3) Debabrata Mookherjee.

(4) Ganapati Sur.

(5) H. K. Ganguli.

(6) Dhirendra Nath Ghosh.

(7) M. K. Majumdar.

(8) S. K. Basu.

(9) S. N. Sinha.

(10) B. N. Roy Chowdhury.

(11) Gostobehari Sett.

(12) Bhupendra Nath Basu.

(13) S. K. Mitter.

(14) J. L. Saha.

19. Meetings were called on the 12th, 19th and 26th September and 3rd October 1945 to consider the above motion which fell through as no one appeared to ask for leave to move the motion.

20. Consequently the decision of the Corporation at its meeting dated the 21st February 1945 remained unaltered.

21. By confirming the resolutions of the Works Committee the Corporation accepted the suggested increased rates as also the decision regarding further extension of time to the contractors up to 31st March 1945 with the proviso that under no circumstances would any further extension of time be granted. The work was not completed within the renewal time-limit prescribed in the meeting at which higher rates above the tendered rates were fixed. The question was pertinent as to whether the concession in the matter of rates was dependent on the fulfilment of the condition on the part of the contractors about the completion of the work by the 31st March 1945. The Accounts Department raised objection to an on-account payment on the basis of the enhanced rates and the matter having been referred to the Chief Law Officer, that officer was of the opinion that the objection was untenable after the rates had once been mutually consented to between the Corporation and the contractors. In the way of an *obiter dictum* the Chief Law Officer quoted the opinion which the Advocate-General had once expressed that "it would be an intolerable or impossible situation if an officer of the Corporation is allowed to sit in judgment over the order of the Corporation." The Chief Accountant is the watch dog over the Corporation's finances and this is like beating the dog for his barking at the approach of burglars. We may quote *in extenso*, from the report of the Deputy Chief Accountant, dated the 31st July 1945, to the Chief Executive Officer. It runs thus:—

"Re: Construction of Kulti Service Road from 0 to 9 miles by Messrs. K. C. Ghose & Co.—Contract No. 12 (b)."

Kindly see officiating Chief Engineer's recommendation, dated 2nd April 1945, for an on-account payment of Rs. 25,000 to Messrs. K. C. Ghose & Co. in connection with the construction of Kulti Service Road from 0 to 9 miles [contract No. 12(b)] and the subsequent notes.

It appears that the Works Committee on 6th November 1944 recommended for sanction of the Corporation revised increased rates for earthwork and other items of works in this connection on the suggestion of the Special Officer and Engineering Adviser. At the same time they asked the department to put up a revised estimate on the basis of the rates recommended and also directed the department to deal with the question of on-account payment to the contractors on the basis of the tendered rates. The Corporation on 21st February 1945 accepted the revised rates as recommended by the Works Committee, but no revised estimate as asked for by the Committee has yet been sanctioned nor was it placed before the Committee for sanction, so that the total sanctioned amount still remains the same as the total amount of tender accepted (Rs. 76,652-8) plus contingencies (Rs. 3,832) i.e., Rs. 80,484-8.

The Chief Engineer's recommendation for on-account payment is based on the amount calculated on the basis of the revised rates, sanctioned by the Corporation. But the question of an on-account payment has to be dealt with on the basis of the tendered rates as directed by the Works Committee on 6th November 1944 and not on the revised rates. Our report, dated 10th November 1944, on such on-account payment is given. As the position regarding such on-account payment remains the same even now, we had no further remarks to make.

Apart from the question of on-account payment, one important point, to be seriously considered, is whether under terms of specification and contract it would be proper and legal to sanction revised increased rates for any of the items of works for which the tender was accepted.

In this case, however, the Corporation has already sanctioned increased rates. No report from the Accounts Department was obtained in the matter. The Chief Law Officer is of opinion (*vide* his note, dated 26th June 1945) that the revised rates having been sanctioned by the Corporation he did not think that the Accounts Department could go behind it, and "it would be", in the words of the Advocate-General, "an intolerable or impossible situation if an officer of the Corporation is allowed to sit in judgment over the order of the Corporation." But we may point out that in connection with the contractors' claim for enhanced rates over the tendered rates in the work of construction of *kutcha* dry weather flow channel from Bantola to Kulti, the Chief Law Officer expressed his opinion as follows:—

"The contractors' claim for enhancement of the tendered rate is on the face of it inadmissible, as otherwise there is no meaning in calling for tenders and having an agreement."

We agree with the latter view of the Chief Law Officer. In case the revised increased rates, as sanctioned by the Corporation, are given effect to and payment made on that basis the Accounts Department should not be held liable for such payment if it is ultimately held to be illegal and improper. We would like to make this point clear at this stage.

The Corporation on 24th January 1945 accepted the following recommendation of the Works Committee, dated 14th September 1944, regarding on-account payment for this work:—

"That on-account payments on the responsibility and the certificate of the Special Officer and Engineering Adviser be made to the contractors regularly after inspection by the Special Officer and Engineering Adviser with a view to expedite completion of work."

As there is no Special Officer and Engineering Adviser now, the Chief Engineer suggests on-account payment on the responsibility of the Outfall Engineer. It would be, we think, for the Chief Law Officer to advise the Chief Executive

Officer under whose responsibility on-account payment, if any, should be made. Normally such on-account payment should be made on the responsibility of the Chief Engineer who is practically carrying on all the works which the Special Officer and Engineering Adviser used to do.

The Corporation on 24th January 1945 granted a further extension of time up to 31st March 1945 for completion of the work, on the definite understanding that no further extension of time would be allowed on any account. The period has already expired but the work still remains to be completed. It is for the Chief Executive Officer to decide if the failure on the part of the contractors to complete the work within the extended period affects the present case in terms of Corporation's aforesaid resolution. The Outfall Engineer's remarks in his note, dated 24th May 1945, in this connection may please be seen.

An on-account payment to the extent of Rs. 30,200 has been outstanding for a long time. But no steps have yet been taken to have the above on-account payments adjusted. Government Auditors are pressing for the adjustment of the long outstanding advance which should have been adjusted by the department by certifying a progressive Bill.

Sd. ILLEGIBLE,
Deputy Chief Accountant.
31st July 1945.

22. The Chief Law Officer, on a reference having been made to him, expressed the opinion on 26th June 1945 that the revised rates having been sanctioned by the Corporation were sacrosanct. The Chief Accountant could not be blamed for insisting upon a revised estimate which might land one at a figure requiring the sanction of Government. The finances of the Corporation are public money held in trust by that body and the Corporation is bound by law to administer such funds in accordance with sanctioned rules and procedure and to the best interests of the rate-payers.

23. The whole fact regarding this contract reveals a disgraceful state of affairs. The contract was made in 1939 on the distinct undertaking that the contractors, Messrs. K. C. Ghose & Co., would complete the work within two years. From the beginning it was found that the contractors were making very slow progress. Extension of time was granted on several occasions, and fresh undertakings were given on each such occasion. That the work would be completed within the extended period. Instead of the whole work being completed in two years' time as per contract, it was discovered at the end of three years that the contractors had done only one-third of the work and left 5 out of 8½ miles absolutely untouched. Lame excuses such as not getting a roller from the Corporation (this was proved to be false), "malaria playing a havoc with the labourers," "pilfering of bricks" were put forward and by such excuses the contractors dragged the work on from 1939 to 1948, a period of nine years in place of two years within which they were bound to complete it. Instead of being penalised in terms of the contract, the contractors were virtually rewarded by the Corporation. Other contractors who were entrusted with the construction of other portions of the Kulti road completed the work allotted to them within the stipulated period and the tendered amount. Had Messrs. K. C. Ghose & Co. completed their portion of the work within the time fixed in the contract, the Corporation would have paid them in all Rs. 80,845, but as a result of their own default, Messrs. K. C. Ghose & Co. was able to present their final bill, dated 28th July 1947, for Rs. 2,13,764. As already pointed out, this final bill is said to have been made on joint measurement taken on 12th July 1947, although, according to a report of the Chief Engineer, the work was not completed before May 1948, and at that date also "there were minor defects to be rectified."

Messrs. K. C. Ghose & Co. played with the contract and gained. The Corporation also played with it. A resolution passed on one date was rescinded on another. When the Special Officer was directed to take the work out of the hands of the contractors, he sat over that direction, probably waiting in his sagacity for the day when that direction would be revoked. It is apparent that the contractors, shrewd business men, knew that the threats which issued from one Committee meeting were empty and would be nullified at the next meeting. Out of this prolonged game the rate-payers' money had been gambled away. The only department that tried to do its duty, though unsuccessfully, was the Accounts Department. That department was wholly ignored when the rates were enhanced, but it came into the picture only when occasion arose to make on-account payments on the basis of the enhanced rates.

(G) *The contract regarding the working of the Pulta Filter Beds during 1940-41 and 1941-42.*

1. The accepted tender for the two years was for Rs. 42,472 per year. Messrs. K. C. Ghose & Co. were the contractors. For the first year's working the contractors charged Rs. 1,28,063-3-3. The bill which included charges for work not required to be done or mostly other than the major work listed in the contract was challenged by the Executive Engineer, Waterworks, on that as also the ground that it was deliberately inflated. The dispute went up to the Chief Engineer, Dr. B. N. Dey, who gave an award in pursuance of clause 18 of the agreement. By this award the objections of the officers under whom the work was actually carried out were turned down and Messrs. K. C. Ghose & Co., the contractors, gained in rates beyond the stipulated rates and out of certain obvious mistakes in the specifications which were discrepant with the schedule of work. The final bill of the contractors is for a sum of Rs. 1,82,569-1-3 plus an additional bill for Rs. 15,703-7-6 for extra works and these are now pending settlement. This particular contract received a mention in the report of Sir Cyril Gurner on the Corporation finances at page 24. It was also the subject of a good deal of criticism in the Government audit (see pages 29-31 of Audit Report, 1944-45). The legal opinion taken by the Corporation was to the effect that though the Chief Engineer's decision appeared to be wrong and the construction put upon the contract by the departmental Engineers correct, it would all the same be binding on the Corporation. That opinion concluded as follows:—

"In my view the Corporation, in the events that have happened, will have to submit to the decision of their Chief Engineer, even though they have to do it ruefully."

(Sd.) P. C. GHOSE.

17th June 1944."

2. On 7th March 1945, the Corporation confirmed the recommendation of the Water Supply Committee sanctioning payment of Rs. 1,80,508-2 for working the filtered beds at Pulta Pumping Station during 1940-41 and 1941-42 by Messrs. K. C. Ghose & Co. based on the tendered rates and the fair rates approved by the Chief Engineer. The Accounts Department raised the point as to whether in making payment for work done during 1941-42, the Corporation was bound by the rates fixed by the Chief Engineer in his award which concerned a dispute arising out of the contractors' work during 1940-41.

3. Whether the award of the Chief Engineer was right or wrong, the fact remains that the rate-payers are saddled with a liability amounting nearly to two lakhs of rupees for a work which was contracted for Rs. 85,000 only. And this extra liability of the Corporation is in consequence of an award of an officer of their own by which the contractors gained because of mistakes in the specifications. It appears that the Executive Engineer, by

his letter, dated the 7th April 1940, had pointed out the mistakes in the specification and the schedule issued by the Corporation to the contractors for submission of tender and yet those mistakes remained uncorrected when the Corporation made its contract with Messrs. K. C. Ghose & Co. by the agreement executed on the 9th September 1940.

4. This case had been much discussed before 7th March 1945 when the Corporation ratified Dr. B. N. De's award. Audit objections and legal opinion that had been obtained had revealed the character of the award. If the Councillors felt, as they should have, that a liability which was wrong was forced on them, it seems strange that the Corporation did not carefully examine this point that the legal binding on account of the award was limited to the scope of the dispute which concerned work done in 1940-41 and might not apply to the work of a later period outside the dispute, did not occur to them when they accepted the much criticised fair rates approved by the Chief Engineer in determining the payment to be made for both the years 1940-41 and 1941-42.

5. As stated above, the claim of the contractors which amounts to Rs. 1,82,569-1-3 in one bill together with Rs. 15,703-7-6 in an additional bill for extra works for the two years is pending before the Administrative Officer for final settlement. The Administrative Officer will probably find his hands tied not only by the award of Dr. B. N. De but also by the Corporation's resolution, dated 7th March 1945.

Contract No. XII-A.

(H) *Construction of Storm-water Pump House, Sump Chambers, Staff Quarters, Penstocks, Delivery Conduit and alterations to Silt-pit, etc., at a site near the Palmer Bridge Pumping Station across the Palmer Bazar Road.*

1. The original estimate amounting to Rs. 1,41,000 was sanctioned by the Corporation on 31st March 1938. That estimate formed part of an estimate of Rs. 2,75,000 in connection with Dr. De's Main Drainage Extension Scheme which was sanctioned by Government in letter No. 1798P.H., dated the 23rd July 1935.

2. The Corporation accepted the tender of Messrs. Dutt & Co. amounting to Rs. 1,04,746 plus Rs. 5,237 for contingencies and Rs. 850 for works outside the tender. Further, the Corporation, on 30th March 1938, sanctioned an extra cost amounting to Rs. 8,000 for four penstocks of modified design.

3. Under the agreement the work was required to be completed in 18 months' time from the date of the work order which was 5th July 1937. The work was completed on the 12th December 1939.

4. The contractors put forth an extra claim of Rs. 38,000 for works outside the agreement.

5. Up to 1st November 1942 advances paid to the contractors amounted to Rs. 1,16,615.

6. The Corporation, on 27th March 1947, confirmed the recommendation of the Works Committee, dated 4th March 1947, sanctioning Rs. 1,33,707 on the basis of actual expenditure incurred. It took more than seven years after the completion of the work to have a revised estimate prepared and sanctioned on the basis of actual work, and to settle the claim of the contractors.

7. The following departmental note which is dated 21st April 1938 provides the clue as to how actual payment exceeded the sum contracted for:—

"It is true that the 12 feet diameter sewer which has collapsed now was found bodily cracked when it was exposed and was repaired by them. It has collapsed as it was kept exposed for a long time for doing the

foundation work of the new pump house, notwithstanding departmental instruction to expedite this portion of the work. Department had been urging to expedite the construction of the conduit walls at this end so that it may give extra support to the abutment wall of the sewer. There is hardly any truth in the contractors' statement that there was no definite departmental instruction regarding the foundation of the southern wall. You have seen that till yesterday eastern portion of this wall was left behind and foundation concrete not laid. More so their dilatory method will be proved by the fact that they have engaged only 20 extra men to clear the heaped-up earth and no man to clear the débris of the collapsed sewer notwithstanding your definite instruction in the presence of the Chief Engineer on the 19th morning to put 200 extra men on the job."

8. The Executive Engineer reported to the Chief Engineer as follows:—

"A week ago I reported to you that the 12 feet diameter sewer nearest to the Storm-water Pumping Station was leaking badly. On exposing same several cracks, about 2 inches in width and 1 foot deep, were noticed. The 12 feet diameter sewer was isolated by stopping discharge of sewage through the bye-pass and two bonds were put in—one on the head cut end and the other inside chamber by means of bags filled with earth. This was done so that discharge through bye-pass could be made for obtaining water for circulating water for the turbo alternator. Yesterday sewage was discharged through the bye-pass and for half an hour or so there was no rise of water in the isolated sections of the sewer. Then water started rising and heavy leakage was noticed. In ten minutes' time the arch of the sewer to a length of 100 feet collapsed. I inspected the said sewer in the morning. Several tell-tale marks were put on the cracks. These were intact and there was no sign of the arch giving way till 11 a.m. when I left the work site. I inspected the work again at 6 p.m. The sewer collapsed at 5-45 p.m. The arch of the sewer which is segmental gave way. Segmental arch for such a huge sewer is never satisfactory, besides this being of stone lime mortar there was absolutely no adhesiveness. The whole length of sewer between head cut and the chamber on the west is in a bad state and has to be reconstructed properly otherwise it would be dangerous to utilise the sewer as silt-pit for the Storm-water Pumping Station. The old plans show that the arch is of semi-circular nature and with that impression I have allowed contractors to stack earth to a height of about 12 feet on the top of the sewer. Besides as the possession of Corporation land has not been obtained yet there is hardly any place to stack earth which would be required for filling. You inspected the work this morning. It was decided to remove the heaped-up earth at once by engaging outside labour and to put in a brick bond on the west side. I think it would be desirable to have a brick bond on the east as well."

9. The brick bonds were erected at both ends and the same contractors were entrusted with the reconstruction of a portion of the sewer which had collapsed. Those as also the removal of heaped-up earth were among the extra items of work for which payment outside the contract was claimed.

The objection of the Accounts Department to such extra payment without proper sanction was met by the department by saying that the collapse of the sewer was due to its bad condition as also because of the load from the heaped-up earth from the foundation of the storm-water pump house, and that the "department was obliged to order not only for the removal of the heaped-up earth but also to excavate and remove earth from the top of the sewer to relieve the pressure over the remaining portion of the sewer, as otherwise the Corporation might have been faced with a situation entailing further loss due to collapse of the remaining portion of the 12 feet diameter sewer."

10. There were other items of extra work for which the Corporation had to pay on actual basis. They were:—

- (1) Compound wall and parapet to the roof of the Assistant Superintendent's quarters;
- (2) A better type of staircase and a W.C. to the Superintendent's Office;
- (3) Joist lintels to support the crane wall, over the openings for the delivery pipes;
- (4) Encasing the joints in sump chamber to protect them from corrosion;
- (5) Increasing the size of joists and R. C. roof slab of the sump house roof.

11. It is clear that the need for the extra work did not arise in a sudden juncture necessitating prompt and immediate action without time for applying for proper sanction.

12. Government audit had drawn pointed attention, times without number, to the objectionable practice of extra work being carried out by a department compelling the Corporation to pay a disproportionately larger sum outside the contract. In almost all the contracts which we have examined that practice has been in evidence. The Secretary, Government of Bengal, Public Health and Local Self-Government Department, Municipal Branch, in his note, dated 25th June 1941, on File No. M.1C-80 made certain observations from which the following extract is quoted. That observation, based on a practice, chronic in nature, applies equally to this case as in other cases of contract examined by us:—

"The cases pointed out by the auditors appear to disclose a deplorable lack of control over the works done through the agency of contractors, especially in regard to extra works with the result that the departments exercise a free hand in these matters and get round the authority of the Corporation. The tactics employed appear to be simple. First, an estimate is got approved through the different Committees of the Corporation and ultimately by the Corporation. The work is then entrusted to the contractor after considering the tenders. But after the work is started additional works are allowed to be freely executed and *pari passu* advances are made to the contractors and when the work is completed, the claim far exceeds the sanctioned estimates and either disputes ensue or the Corporation find themselves bound to sanction the increase."

The Secretary ended his note by saying that steps should be devised to stop that deplorable state of things. But it is unfortunate that in spite of the Government being fully cognizant no steps were actually taken to stop the evil which had become chronic.

13. The case also shows that advances paid to the contractors exceeding the amount of the contract remained unadjusted for a long time. The final settlement of the contractors' claim for a work which was ordered in July 1937 and was completed in December 1939 was not made until the Corporation in March 1947 sanctioned the estimate based on actual work.

(I) Contract regarding removal of silt from the settling tanks at Pulta Pumping Station for thirteen months from 1st March 1939 to 31st March 1940.

The Corporation on the 27th February 1939 accepted the tender of Mr. D. N. Dutt amounting to Rs. 41,631-10 for the above work.

The specification for the work provided for the removal of silt deposited in the settling tanks, distributing wells, chambers and channels at Pulta Pumping Station including washing all pucca floors and walls, dressing the slopes of *kutcha* tanks and disposing of the silt, etc. The specification gave details of the tanks from which silt was required to be removed and they were arranged in two series, viz.: (1) four large *kutcha* tanks, called pre-settling tanks, and (2) six *pucca* settling tanks. The estimated quantity of silt to be removed was 40.7 lakhs c.ft. from No. 1 series and 5.86 lakhs c.ft. from No. 2 series.

It was stipulated that the western bank of the settling tank of No. 1 series was to be cleansed of all accumulation before the monsoon set in, and the accumulation on the other banks before the 31st March 1940, failing which the work was to be done departmentally or by some other agency at the *risk and cost of the contractor*. It was further laid down in the specification that the rate of progress of work should be proportionate during the contract period and nothing extra in any form would be allowed for during the monsoon. Should the Executive Engineer, Water Works, consider that the rate of progress was not satisfactory the contractor was bound to put on more labour to expedite the removal of silt, failing which the Executive Engineer, Water Works, was empowered to make any arrangements necessary for that purpose and any cost incurred in that connection was to be debited against the contractor or deducted from any sum of money due to the contractor from the Corporation on any account whatsoever.

On the 20th March 1939, the Executive Engineer, Water Works, reported as follows:—

"I regret very much to report that Mr. Debendra Nath Dutt, whose tender for removal of silt from the settling tanks at Pulta during 1939-40 was accepted by the Corporation recently and who was informed accordingly on the 28th February 1939, has done nothing yet towards taking up the contract work. Only on the 13th instant about ten coolies with a durwan saw the Assistant Superintendent, Filter Beds, and told him that they wanted to take up the work. There was no responsible agent of the contractor. The ten coolies were detailed to wash the walls of the settling tank No. 5 on that day and ever since there has been no further work. It is to be noted that this is the best season for removal of silt and any delay or lapse on the part of the contractor in utilising the present season would reflect not only on the quantity and quality of the water later on, but also on the cost of filtration."

The Chief Engineer in his note, dated the 21st March 1939, said: "The matter is serious. We are losing valuable time. Before I take steps to get the work done by some other agency, the Water Supply Committee should be apprised of the situation."

The Executive Engineer, Water Works, further reported that during his inspection on 23rd March 1939, the contractor was found to have put in 76, 75 and 79 men on the 21st, 22nd and 23rd March, respectively, and they had been employed in flushing out silt from the old settling tank No. 5. Nothing was done for the removal of silt from the pre-settling tanks.

The Committee resolved on the 31st March 1939 that "Mr. D. N. Dutt, contractor, be allowed one month's time to put in the full complement of labour required for the work."

The Executive Engineer, Water Works, reported on 26th May 1939 that there was very little improvement in the matter of employment of labour by the contractor.

The contractor made various excuses for his inability to provide more labourers, e.g., his coolies being seduced by the previous contractor who was replaced by him, departmental officers discouraging his men, etc. The plea made by the contractor was repudiated by the Executive Engineer, Water Works. The Chief Engineer in his note, dated 26th May 1939, reiterated his report, dated 21st March 1939, and added:—

"When the Committee on the 31st March 1939 gave the contractor a chance to make good, I had hoped that the contractor would make good. In fact, the contractor promised in his letter, dated the 31st March 1939, to bring in 150 more coolies from Puri in the beginning of April. He has failed to keep his promise. During my inspection on the 23rd May 1939, I found no improvement in the progress of the work. The number of men employed on that day was 122, the maximum so far engaged on any day. This number, inadequate as it was, has gone down. The contractor has been given every chance even at the risk of the maintenance of the standard water supply of the city. We would not take any further risk. Under clause 2 of the specification the work now will have to be taken away from the contractor and done by the next lowest tenderer. The Water Supply Committee is hereby apprised of the serious situation."

The Water Supply Committee on 15th June 1939 considered the matter. The members present were:—

Messrs. M. K. Majumdar (*Chairman*), G. S. G. Vernon, S. K. Chatterjee, H. H. Rahman, Abdur Rahman, Dr. G. C. Ghose, Major S. E. Tee and Hakim Abdul Latiff.

The progress of work of the contractor had been inspected by Dr. G. C. Ghose and Major S. E. Tee on the 4th June 1939, as desired by the Committee on the 2nd June 1939.

Major S. E. Tee said that the work done by Mr. D. N. Dutt was very unsatisfactory; he would never be able to remove the silt as per his contract. The best course would be to dismiss Mr. Dutt on seven days' notice and to engage the previous year's contractors, Messrs. N. Gupta & Sons.

Dr. G. C. Ghose said that under the contract the contractor had to remove 47 lakhs c.ft. of silt within 13 months. But at the rate at which he had been doing the work for the last four months, he would be able to remove only half the amount of silt during the contract period. The result would be that they could not get water for the city. The inspection had disclosed a very startling affair and they should take immediately steps in the matter.

Mr. S. K. Chatterjee and Mr. Vernon were of opinion that the contract should be taken away from Mr. D. N. Dutt and should be given to another contractor.

The Executive Engineer, Water Works, said that unless action was taken immediately for removal of the silt now, they would have to pay ten times more for its removal afterwards.

The Chief Engineer did not think that the matter should be delayed any longer. Under the specification of the contract he was empowered to get the work done through some other agency at the risk and cost of the contractor. And if the Committee would so desire, he might exercise that power and get the work done at the risk and cost of Mr. D. N. Dutt.

The Chairman said that in view of the serious situation in the matter of silt removal work, as reported by the department and as revealed by the inspecting members of the Committee, they had no other alternative than to request the Chief Engineer to take the work out of the hands of the present contractor, Babu D. N. Dutt, and get it done through some other agency at the risk and cost of the contractor.

The Committee accordingly resolved :—

"That in view of the continued default made by the present silt-clearing contractor, Babu Debendra Nath Dutt, the Chief Engineer be requested to take possession of the work and get it done through some other agency at the risk and cost of the contractor in terms of clause 11 of the specification."

The Chief Engineer in his letter, dated the 17th June 1939, gave the contractor seven days' notice under clause 11 of the specification, intimating the contractor that the work was going to be taken out of his hands for his failure to carry out the work according to the specification. It appears that the contractor had an interview with the Chief Engineer (Dr. B. N. Dey) who gave the contractor a few days' time to engage more men in the work. On the 28th June 1939, under the direction of the Chief Engineer, the Executive Engineer, Water Works, issued another letter under his signature drawing the attention of the contractor to the termination of his contract under clauses 2 and 11 of the specification and requiring him to vacate and render peaceful possession of the work on pain of damages. On the 29th June 1939, the contractor addressed a letter to the Chairman and the members of the Water Supply Committee making certain allegations against the department. One such allegation was that the department was acting under prejudice against him from the beginning. The contractor also pointed out in his letter that under clause 1 of the General Conditions of Contract as embodied in the specification, execution of an agreement within a fortnight from the date of intimation of the acceptance of tender was essential, but the department had not even at that date sent him an agreement. So, according to the contractor "in the absence of the agreement due to default on the part of the department" the question of any default on his part could not arise.

The reason why no agreement regarding a tender accepted by the Corporation on the 27th February was prepared, much less executed, even at the end of June, must be explained. Such slackness was detected in other cases of contract also and was almost chronic.

After the notice issued on the 28th June 1939, the resolution of the Water Supply Committee, as was customary, was not followed up and it became a dead letter.

On the 21st September 1939, the Officiating Executive Engineer, Water Works (Mr. P. C. Gupta), reported that the work was being continued satisfactorily and he recommended that in view of the progress so far made by the contractor, the resolution of the Water Supply Committee, dated the 15th June 1939, be rescinded.

This report of the Officiating Executive Engineer, Water Works, was placed before the Committee on the 26th September 1939, and the Committee resolved rescinding their previous resolution, dated 15th June 1939.

The following Councillors were present at the meeting, dated the 26th September 1939, at which the resolution of the 15th June 1939 was rescinded :—

Md. Ali Khan, Esq. (*Chairman*), Major S. E. Tee, Nalin Ch. Paul, Esq., G. S. G. Vernon, Esq., Md. Hashim, Esq., Syed Majid Baksh, Esq.

The matter again came up before the Water Supply Committee on the 28th November 1939 for approving the action of the Officiating Executive Engineer, Water Works, for not giving effect to the Committee's resolution, dated the 15th June 1939, about taking the work out of the hands of the contractor and having it done through some other agency at his risk and cost.

The Committee, on the 28th November 1939, postponed consideration of the matter pending a departmental report showing the progress of work up to date and the original report of some Councillors who had inspected the work some time in July.

The report of the Officiating Executive Engineer, Water Works, Mr. P. C. Gupta, dated 21st September 1939, recommending rescission of the June resolution was belied by the letter, dated the 29th January 1940, from Sri S. C. Chakravarty, Executive Engineer, Water Works, to the contractor, which reads as follows :—

"It appears from the Progress Report submitted by the Assistant Superintendent, Filter Beds, at Pulta that up to the end of November last you removed about 15,75,000 cubic feet of silt from the settling tanks. Assuming that you will remove another, say, 6,25,000 cubic feet during December 1939, January, February and March 1940, the total quantity of silt that would be removed by you in 13 months would amount to about 22,00,000 cubic feet as against 40,69,300 cubic feet provided for in your tender. It appears further that in spite of my letter No. 5579, dated 2nd December 1939, requesting you to employ at least 200 men on the job, your average strength of labour which was 93 in November 1939 increased to 103 only during November 1939 and to 124 in January 1940 (up to the 23rd). As I have explained to you before, the matter is extremely serious, from the point of view of purification of water during the ensuing monsoons. Before, however, I reported the whole position to the Water Supply Committee, I beg to enquire if you have any plausible explanation to offer for your default and whether you are yet prepared to raise the labour strength to 200 and over. A reply within three days from receipt hereof is earnestly requested."

In his report, dated the 31st January 1940, to the Committee, the Executive Engineer, Water Works, gave a review of the work done by the contractor from March until the end of November 1939. From that report it appears that in the month of March the contractor had removed only 5,000 cubic feet of silt from the *kutcha* series and about 19,000 cubic feet from the *pucca* series No. 5 and that the total work done by the contractor during the whole period, quoting figures month by month, resulted in the removal of 15,75,000 cubic feet of silt. The Executive Engineer went on to say, "assuming that the contractor removes another, say, about 6,25,000 cubic feet during December 1939 and January, February and March 1940, the total quantity of silt removed during 13 months would be about 22 lakhs cubic feet as against over 40 lakhs cubic feet as provided in the tender." * * * *

As I have stated on several occasions before, the secret of purification of water lies in adequate sedimentation and if this is not done, the whole

load will fall on the filter beds. In view of these difficulties, I recommend that in future the contractor, Mr. D. N. Dutt, be not employed on this class of work."

The Water Supply Committee on the above report resolved on 6th February 1940 as follows:—

"That the resolution of the Committee, dated the 15th June 1939, be rescinded and the action of the department in not giving effect to the said resolution be approved.

"That having regard to the statement of the Executive Engineer, Water Works, the contractor, Mr. D. N. Dutt, be warned for not carrying out the contract properly, and that it be noted that in future any tender received from him for this class of work will not be considered."

That an under-current of activities was going on would be apparent from a letter, dated the 20th February 1940, in which a certain Councillor wanted information regarding the annual removal of silt at the Pulta Pumping Station for five years and he made it known that the information was required with regard to a motion tabled by him in connection with this matter.

The Executive Engineer, Water Works, in reply furnished figures which show that previous to 1939-40 the quantity of silt removed from the *kutchha* series during 1936-37, 1937-38 and 1938-39 was 37,23,705 cubic feet, 38,26,850 cubic feet and 33,15,720 cubic feet, respectively.

The Corporation had accepted the tender of the contractor, Mr. D. N. Dutt, amounting to Rs. 41,631-10, but his final bill amounted to Rs. 25,261-13 as against the accepted tender amounting to Rs. 41,631-10. Evidently 40 per cent. work remained undone. The nature of the work made it obligatory on the part of the Corporation to carry it over to the next year and in the meanwhile the citizens suffered on account of quality and quantity of water distributed, as apparent from the expert opinion quoted above, and this was due to two things, viz.:—

- (i) the department not acting up to the resolution passed by the Water Supply Committee on the 15th June 1939, and
- (ii) the Councillors being either misled by the Officiating Executive Engineer's report, dated 21st September 1939, or their finding that report to be convenient to rescind the previous resolution against the contractor.

It will be seen that a very small number of the members who composed the Committee on the 15th June 1939, sat at the meeting held on the 26th September 1939.

This case presents another instance of how a resolution passed at a meeting of the Committee is not acted upon by the Executive and is ultimately revoked by the same Committee at a later date. It also reveals the lack of any sense of responsibility on the part of the office about getting an agreement executed within a reasonable time after the acceptance of a tender, and of this omission advantage was taken by the contractor when sought to be held to the contract.

(J) Stores supplied to the Manager, Bantala Sedimentation Tanks.

1. Sundry stores including machinery parts were supplied by Messrs. N. Gupta & Sons under orders of the Manager, Pruss Sedimentation Tanks, Bantala, Mr. M. N. Chakravarty, who had no power to place such an order. No requisition was made to the Controller of Stores for the articles, nor any approval of any appropriate authority was obtained before the Manager placed orders with

Messrs. N. Gupta & Sons for the stores in question. There was not even any written order, but it was only a verbal arrangement between himself and the firm. Messrs. N. Gupta & Sons submitted twelve bills from time to time and their total claim on account of those bills amounted to Rs. 11,668-15-6. On scrutiny, the bills were reduced to Rs. 8,158-10-6. One of the bills was submitted in February 1946, seven in July 1946, one in August 1946, two in December 1946 and one in September 1947. The Works Committee of the Corporation sanctioned payment of Rs. 8,815-14-3 (*vide* its Resolution, dated 23rd March 1948). It is curious that the Works Committee sanctioned the payment without having the bills checked by the Accounts Department. The transaction is highly objectionable on the following grounds:—

- (1) The Manager had not taken anybody's sanction to the purchase of the stores of such value.
- (2) The Controller of Stores was by-passed. Even the Outfall Engineer was kept ignorant of the supplies until a long time after the stores began to be received.

2. In the Outfall Engineer's note, dated 23rd November 1947, he expressed his doubt about the necessity for replacement of certain parts of the plants and questioned as to whether they should have been provided for by Messrs. N. Gupta & Sons who were the contractors to install the plants and had managed the tanks until they were taken over by the Corporation on 28th August 1945. It would be worthwhile going back to the original contract with Messrs. N. Gupta & Sons regarding the sedimentation tanks at Bantala which were a part of the main drainage scheme sanctioned by Government in letter No. 405P.H., dated 25th March 1939. The Corporation had accepted on 6th March 1940 a lump sum tender of Messrs. N. Gupta & Sons amounting to Rs. 7,36,550 for erection and setting to work two Pruss Sedimentation Tanks plus Rs. 9,000 for maintenance of the same for one year plus Rs. 3,025 for spare parts plus Rs. 37,425 for contingencies. Having taken over the plants on 28th August 1945 it appears that necessity for replacing certain parts arose in less than six months. In the Outfall Engineer's note, dated 14th October 1947, he stated, "I am tempted to the conclusion that the material supplied were either of inferior quality or the rate of consumption which was excessive immediately after guaranteed test, was due to the fact that the parts previously supplied were defective, which by virtue of the specification ought to have been replaced by themselves, but this replacement of spare parts was made at the cost of the Corporation. For instance, I cannot imagine how 16 Gland Bushes had to be replaced in so short a period of nine months when our records show no replacement at all even after one year's running." It was on the above grounds that he reduced the amount of Messrs. N. Gupta & Sons' bills from Rs. 11,668-15-6 to Rs. 9,067-5-3 at the first instance. The question is whether more economy was possible in this matter. Apart from the fact that no enquiries were made as to whether the articles could be had from the Central Stores, no quotations were taken from the market. In a subsequent note of the Outfall Engineer, dated 12th December 1947, it was stated that the reason why no requisition was made to the Controller of Stores and no quotations were called for was that several parts of special make requiring occasional replacement were required and Messrs. N. Gupta & Sons who manufactured those parts before being first of their kind to be used in India—were asked to supply them. This assumption that the stores required could not be had anywhere except from Messrs. N. Gupta & Sons is falsified by the fact that most of the machinery parts were obtained by Messrs. N. Gupta & Sons from the market. For these machinery parts as well as other stores supplied by Messrs. N. Gupta & Sons they are to

be given a 10 per cent. profit over the price stated to have been paid by them and also 2½ per cent. on account of carriage and contingencies. The articles were obtained by Messrs. N. Gupta & Sons from as many as 41 different firms and shopkeepers, e.g., East Bengal Hardware Company, Messrs. Balailal Majhi & Co., Messrs. A. P. Banerjee & Co., Nilmoni Daw & Sons, Howrah Light Casting Co., Eastern Electric Co., Messrs. Nanku Shaw, T. M. Fakir & Co., A. F. Hossan & Co., S. F. Haalim & Co., J. Steel & Co., India, Ltd., Howrah Motor Accessories Agents, Ltd., Standard Metal & Co., Messrs. J. K. Majumdar & Sons, Baiji Nath Shaw Dwaraka Prosad, Indo-Burma Trading Co., T. Thomson & Co., Eastern Engineering & Trading Co., and many other firms. If there were proper estimates and if quotations were invited, the Corporation could have purchased the stores at a competitive price from those firms direct and there would then have been no necessity for paying Messrs. N. Gupta & Sons a 10 per cent. profit and 2½ per cent. carriage and contingencies. The excuse that Messrs. N. Gupta & Sons were themselves manufacturers of the parts and were the only people who could supply them is thoroughly disproved by their method of supply.

Glass panes costing Rs. 20,910-6 were purchased from Sariakella Glass Works on 25th November 1946 and 31st January 1947 under orders of the Chief Executive Officer, dated 27th July 1946, without taking the previous sanction of the Corporation. The Chief Executive Officer was not authorised to incur expenditure above Rs. 1,000. Rs. 15,750 was paid as advance to the suppliers under Chief Executive Officer's order, dated 7th July 1947.

3. The work of improving street lights in certain parts of the city with a view to restoring the same to pre-war standard was taken up in June 1946 under Chief Executive Officer's order. The Chief Executive Officer had no power to sanction the work. The work was completed in April 1947. Corporation sanctioned Rs. 46,726 on 23rd June 1947. The total bills of the contractors amount to Rs. 52,166-14. Up till now no revised estimate has been prepared. Advance payments to the extent of Rs. 23,067 have been made. In the absence of any revised estimate of the extra cost involved, payment will have to be made eventually on the basis of actual work.

4. For cost exceeding the sanctioned amount no revised estimate was ever made.

Incurring expenditure outside the sanctioned amount is a general practice. This makes the budget of the Corporation, which is intended to present a clear picture of a year's income and expenditure, meaningless. One does not know what is the magnitude of the unpaid liability of the Corporation at any given time, whether the Corporation has the capacity to meet such ahead incurred liability, and if so, the extent of its residue resource in relation to its planning for the future.

Contract No. 52-B.

K) Supply and fixing of three Venturi meters at Tallah by Messrs. Bando & Co.

1. Any account of the various schemes which were adopted from time to time for improving the supply of water to the city will be incomplete without a mention of the episode which led to the Corporation being heavily mulcted by a firm of contractors, Messrs. Bando & Co. The importance of that episode lies in the public and the future Councillors having a picture of the serious loss which the Corporation sustained in consequence of indulging in pampering certain contractors and in the warning it gives in that respect.

2. The Moore and Bateman scheme provided for dividing the whole of Calcutta including the added areas into five district zones, each zone being

supplied through an independent main laid from the Tallah Pumping Station. The idea was to check and regulate the supply in each district on the basis of records of Venturi meters proposed to be fixed to each main so as to ensure more or less equitable distribution. Messrs. Moore and Bateman drew a plan with an estimate of cost amounting to £3,410 for one 72", one 54", one 45" and one 32" Venturi meters. Out of them one 54" and one 45" meters were laid by Messrs. Clevelands and erected by Messrs. Worthington Simpson, Ltd., under Contract No. 51-A. In modification of the original plan, the Corporation subsequently decided that so far as the remaining Venturi meters were concerned, there should be one 54" instead of 72" meter and two 30" instead of one 30" meter, the 54" meter being connected to the 72" main for zone IV and the two 30" meters to the two existing 30" mains.

3. The Construction Engineer prepared an estimate amounting to Rs. 40,145 for the supply and erection of the three Venturi meters as described above. That estimate was sanctioned by the Corporation on the 16th July 1930. Messrs. Bando & Co.'s tender amounting to Rs. 30,200 for the supply and the fitting of three Venturi meters was accepted by the Corporation on the 2nd February 1931, although their tender was not the lowest. Certain conditions, as detailed below, were attached to the acceptance of the tender:—

- (1) that the meters were to be manufactured locally;
- (2) that the meters conformed in all details to the plan;
- (3) that the first meter, 30" one, would be supplied within 8 to 12 weeks from the date of intimation of acceptance of the tender and the other two within another 8 weeks, the total supply being completed within 20 weeks;
- (4) that in case the first meter did not satisfy the Chief Engineer's test, the contract would be cancelled;
- (5) that no payment be made until each meter was tested and passed by the Chief Engineer;
- (6) that the contractors guaranteed the meters for 10 years and undertook to replace free of cost during that period any parts found defective due to bad workmanship or material.

4. Intimation of acceptance of the tender of Messrs. Bando & Co., setting forth the above conditions, was issued on the 5th February 1931.

5. In submitting their plan and diagram Messrs. Moore and Bateman had laid stress on the need for doing the work in the shortest possible time so as to interfere as little as possible with the supply of water to the city.

6. The 12 weeks' time as specified in the work order expired on the 30th April 1931.

7. The Water Supply Committee on the 2nd October 1931 granted the contractors extension of time up to 15th December 1931. Needless to say the contractors paid little heed to the Corporation's behest for early completion of the work. On the 20th February 1932 the Construction Engineer, Water Works Extension, wrote to Messrs. Bando & Co. that he found at his inspection that the joint did not stand the pressure of even 50 lbs. and he requested the re-making of the joint. The tubes were got ready for static pressure test on the 9th March 1932 and were actually delivered at Tallah on the 31st March 1932. At about that time the contractors also manufactured the recorders which could not be taken delivery of or tested till the tubes were erected and set running.

8. The contractors submitted a bill for payment of 90 per cent. of the contracted sum, i.e., Rs. 27,000. The Chief Engineer recommended an interim payment of Rs. 10,000. The Chief Accountant raised objections to any interim payment on the following, among other grounds:—

- (a) that under the conditions under which the contract was made no payment was admissible until each meter was tested and passed by the Chief Engineer, the different parts of the work (recorders, meter tubes, accessories, etc.) comprising the contract not having been separately priced by the contractors who had quoted a lump sum of Rs. 30,000 for the complete work for all the meters;
- (b) that the contractors having failed to supply the meters within the stipulated time for which they could not be erected and tested and the required certificate given by the Chief Engineer, no payment could be made at that stage.

9. The Water Supply Extension Committee on 26th May 1932 disregarded the Chief Accountant's objection and recommended an advance of Rs. 15,000. On the 2nd July 1932 payment of Rs. 15,000 was made to Messrs. Bando & Co. under an order of the Chief Executive Officer in anticipation of the Corporation's confirmation of the recommendation of the Committee. The Chief Executive Officer in sanctioning the payment laid down a condition that the contractors should agree in writing that the amount could be deducted from any sum that might be due to them should the Corporation ultimately refuse to sanction the advance. The question of payment to Messrs. Bando & Co. on account of the contract for Venturi meters came up again before the Corporation on the 20th January 1933 when the Chief Accountant reiterated his objections to such payment. The Corporation at that meeting resolved to postpone consideration of the matter till the cutting out of the McCabe main at Tallah for fixing the 54 inches Venturi meter and also the cutting out of the McCabe main at the Entally corner for connecting up the new zone No. III and zone IV mains.

10. The department blamed Messrs. Bando & Co. and the latter blamed the department for the delay in fixing the Venturi meters and while that wrangle was going on for a long time the public suffered from scarcity of water and raised a hue and cry.

11. Mr. J. Riffkin, Professor of Mechanical Engineering, Bengal Engineering College, Singapore, was requested by the Corporation to inspect the new Venturi meter which was being put up at the Tullah Pumping Station and give his expert opinion on it. Mr. Riffkin inspected the Venturi meters at Tallah on 11th May 1933 and found it to be very defective. The Venturi meter having been subjected to hydraulic test began to leak profusely from all the joints. Mr. Riffkin and the Executive Engineer pointed out in detail the defects which were due to faulty manufacture which need not be recounted in this report. Suffice it to say that the 54 inches Venturi meter supplied by Messrs. Bando & Co. was so made that it was completely against the whole theory of such a device which must be based on the amount of drop in pressure when water passes through a reduced section without creating eddies and the stream line motion through the tube without any loss due to eddies. Among the various other defects it was found that the sleeves themselves were so constructed as to frustrate the object they were meant for. The report of the Executive Engineer was placed on 2nd June 1933 before the Water Supply Standing Committee which postponed consideration of the matter till the next meeting and decided to hold an inspection by the whole Committee. That Committee met again on

14th July 1933 and further temporized by appointing a Sub-Committee consisting of Messrs. M. M. Burman, R. G. Sett, K. G. Sillar, Netai Ch. Paul and B. N. Sasimal.

12. That Sub-Committee on 18th November 1933 resolved:—

- (1) that Messrs. Bando & Co., Ltd., be asked to complete the installation of the Venturi meter and put it into working order within six weeks from date of intimation and that within seven days of completion of the work, the Chief Engineer should make the test and submit a report to the Committee;
- (2) that an estimate for cutting out the necessary portions of the existing pipes and other incidental works in this connection be prepared and put up before the Committee at the next meeting, the Committee being of opinion that this work should, if possible, be entrusted to Messrs. Bando & Co., Ltd.

13. While the work remained where it was, Messrs. Bando & Co., Ltd., on the 21st March 1934, claimed damages to the extent of Rs. 50,000 for what they alleged to be "mischievous propaganda" against them by the engineer in charge of the Corporation.

14. Contract No. 52-B was one of the five Water Works Extension contracts on account of which Messrs. Bando & Co. instituted a suit (No. 851/34) in the High Court against the Corporation, claiming Rs. 7,43,690. The Corporation settled that suit upon payment of Rs. 2,25,000 to the contractors, Messrs. Bando & Co., in March 1940. On the 1st August 1941 the Corporation had before it a resolution of the Water Supply Committee recommending that the three sets of Venturi meter tubes supplied by Messrs. Bando & Co., under contract No. 52-B of 1931 which were found defective and useless, be scrapped. The following excerpt from the proceedings of the Corporation meeting of that date is interesting reading:—

MR. M. M. BURMAN: These Venturi tubes were found to be defective the very day they were supplied. Another point is that it should be sold not as scrap but as tubes in which event we shall get better price.

MR. E. W. S. HAWARD: Venturi meter tubes can only be smouldered down and sold as a scrap and the intention is to sell them to the Entally Workshops to be used as scrap material.

MR. N. C. CHATTERJEE: With the hall-mark of Bando! It should have been scrapped the very day it was delivered. They supplied roller which never rolled.

15. At that meeting the Corporation gave a direction to the Water Supply Committee for an investigation as to whether the department was to blame for passing those tubes and for not suggesting ways and means of preventing a recurrence.

16. The ultimate decision was made by the Corporation at its meeting held on the 14th January 1942 by accepting the proposal for scrapping the three sets of Venturi meters supplied by Messrs. Bando & Co., under contract No. 52-B, for their being found defective and useless. There was no apportioning of blame at all.

17. It will thus be seen that Rs. 15,000 which had been advanced to the contractors on this contract was squandered away without any return whatsoever for the money and in the process the public suffered for a considerable length of time from want of supply of water. The same tactics, viz., creation of more work out of the one in hand as adopted by another pet firm of contractors as

we have seen in connection with many other contracts, were resorted to by Messrs. Bando & Co. as well. Out of the Moore-Bateman scheme for extension of water-supply, Messrs. Bando & Co. succeeded in squeezing out as much as Rs. 2,50,000 over and above escaping from their liability to refund the Rs. 15,000 by dragging matters to Court. The conditions attached to the contract No. 52-B fixing the time-limit for execution of the work were treated as dead-letter by the Corporation in utter disregard of the inconvenience and the suffering caused to the public in spite of the warning given by Messrs. Moore and Bateman who had drawn up the plan. The advice of the Chief Accountant against the proposal to pay the advance of Rs. 15,000 was unavailing. Instead of getting rid of Messrs. Bando & Co., when they failed to manufacture the Venturi meters within the prescribed time-limit, the Corporation temporized and gave the contractors opportunity for larger claims on the funds of the Corporation so that in the end an enormous amount of public money was lost on this and other contracts in connection with the Water Works Extension Scheme of Messrs. Moore and Bateman.

Contract No. 61-A.

(L) Supply of light rails, tipping wagons and ash-trucks for the Pulta and Tallah Pumping Stations.

1. On the 19th April 1929, the Corporation accepted the lowest tender of Messrs. Bando & Co., amounting to Rs. 24,530. The time for completion of the contract was six weeks which was specified also in the tender.

2. Order to proceed with the work was issued on the 29th April 1929. The prescribed time expired on the 3rd June 1929. The materials not having been supplied by the contractors, the Water Supply Extension Special Committee on the 23rd July 1929 passed a resolution granting the contractors an extension of three months' time. At the expiry of this period the Water Supply Extension Special Committee was required to consider what steps should be taken against the contractors who still failed to fulfil the contract. That Committee, on the 13th December 1929, resolved that the penalty clause be enforced against the contractors and that they be served with necessary notice. In the meantime the contractors delivered 3 miles of straight rails and two ash trucks only. The Chief Executive Officer wrote to the contractors on the 24th March 1930 giving them ten days' time and the warning that the Corporation would claim, as per terms of contract, liquidated damages at the rate of Rs. 5 per day from the 24th October 1929, when the extended period expired, till the date of the completion of the contract, with a further warning that should the contractors fail to make satisfactory progress towards completion of the contract within ten days, the Corporation would take such steps as might be necessary to have the contract completed making the contractors responsible for all costs and damages in consequences of their failure. On the 26th June 1930 the following materials were still due from the contractors:—

- (1) 6 corrugated-iron turntables.
- (2) 6 right-hand switches.
- (3) 6 left-hand switches.
- (4) 50 tipping wagons.
- (5) 22 ash trucks.

On that date (26th June 1930) the Chief Executive Officer informed the contractors that if they should supply the tipping wagons within 15 days and other materials within a reasonable time, the question of extension of such time to supply the turntables and tipping wagons would be considered. But if they failed to supply turntables and tipping wagons within a fortnight, the materials would be purchased at their risk and cost. Up to that

time the contractors had not executed the agreement which they were asked to do. The contractors had meanwhile been given an advance of Rs. 12,000 out of their bill amounting to Rs. 15,200, which they had submitted just after part supply of about 3 miles of straight rails. The Rs. 15,200 was claimed by the contractors as 95 per cent. of the value of the materials supplied.

3. The contractors did not comply with the terms of the Chief Executive Officer, and they wrote in reply that they had closed down their Workshop because of the fact that the Corporation had failed to come to a decision in regard to the claims of the contractors in connection with another contract (contract No. 63). As a condition precedent to their supplying further materials under contract No. 61-A the contractors demanded payment by 1st July 1930 of Rs. 3,200 being the balance of the bill they had submitted for the supply of the rails.

4. The Law Officer was consulted and he advised the cancellation of the contract on the ground of non-performance within time and the purchase of the materials from the market. The department invited quotations for a partial supply of the remaining materials which were the minimum quantity immediately required and for want of which silt-clearing, removal of ashes from the boilers and filter working were being seriously hampered. Some firms submitted tenders and the lowest amounted to Rs. 4,955 from Messrs. Parry's Engineering, Ltd. The other items of materials contracted for but not supplied by Messrs. Bando & Co., were valued at Rs. 8,340. The Corporation on the 10th December 1930 passed the following resolution on contract No. 61-A:—

"That Messrs. Bando & Co., Ltd., be paid the amount due to them for the materials actually supplied (viz., for steel rails and accessories for 3 miles track and two ash trucks), at the contract rate less the on-account payment already made.

That Messrs. Bando & Co., Ltd., be allowed to complete and deliver ten more ash trucks and tray and they be paid for at the contract rate, provided the contractors supply them within four weeks from the payment of their dues outstanding in respect of the above contract.

That the contract with Messrs. Bando & Co., Ltd. (contract No. 61-A) be deemed as terminated.

That the quotation of Messrs. Parry's Engineering, Ltd., amounting to Rs. 4,955 for the supply of 6 switches, 28 tipping wagons and 11 ash trucks (as per details given in the proceedings) be recommended for acceptance."

5. The file shows that Messrs. Bando & Co. gave further trouble about the completion and delivery of ten more ash trucks. The Construction Engineer in his letter No. W.W. 5961, dated the 18th February 1931, wrote to Messrs. Bando & Co. as follows:—

"In the ten trucks now supplied, I find that all the bolts have square heads and the revets of four trucks have pan-heads which will seriously interfere with shovelling, and as such, cannot be accepted. The revets of six trucks have snap-heads, and as such, are not objectionable. As all the trucks are now at Tallah, you will be able to find out that your present supply of ten trucks are not exactly in accordance with the sample, neither do they agree with your first supply of two trucks."

6. The long and short of this contract is that the Corporation in the end had to undergo a heavier expenditure outside the contracted amount of Rs. 24,530. The bill for Rs. 15,200 was a

certain percentage of the actual cost of the materials under that account and the value of those materials under the contract was actually Rs. 16,000. So the Corporation paid Rs. 16,000 for the light rails supplied by Messrs. Bando & Co., paid Rs. 4,955 to Messrs. Parry's Engineering, Ltd., for a partial supply of articles defaulted by Messrs. Bando & Co., plus an amount of Rs. 8,340 ultimately for other items of materials contracted for, but not supplied by Messrs. Bando & Co. Taken together the aggregate amount was Rs. 29,295 instead of Rs. 24,530. The loss was entirely one-sided, i.e., of the Corporation which was not in any way compensated by the imposition of any penalty, legitimately due, although the Corporation had previously resolved to levy it but eventually shrank from doing so for no ostensible reason.

The above instances are sufficient to support the conclusion which we have reached and which we cannot put better than was done by the Secretary, Government of Bengal, Public Health and Local Self-Government Department, in his note, dated the 25th June 1941, on file No. M-1C/80:—

"The cases pointed out by the auditors appear to disclose a deplorable lack of control over the works done through the agency of contractors, especially in regard to extra works with the result that the department exercises a free hand in these matters and get round the authority of the Corporation. The tactics employed appear to be simple. First, an estimate is got approved through the different Committees of the Corporation and ultimately by the Corporation. The work is then entrusted to the contractor after considering the tenders. But after the work is started additional works are allowed to be freely executed and *pari passu* advances are made to the contractors and when the work is completed, the claim far exceeds the sanctioned estimates and either disputes ensue or the Corporation find themselves bound to sanction the increase."

The Secretary ended his note by saying that steps should be devised to stop the deplorable state of things. No step appears to have been taken although eight years have passed. Committee management looks well on paper but investigation into the various departments and also into the contracts shows that in actual management, their methods, to say the least, were unbusiness-like and betrayed a lamentable lack of the public spirit necessary to perform public duty for the good of their fellow citizens. We may add that we requested Messrs. K. C. Ghosh & Co. to appear before us and our conclusions are based on matters of records, mostly proceedings of the Corporation and its Committees.

CHAPTER XIV.

Drainage.

1. The drainage of a city of the size and importance of Calcutta has been and will always be a crucial problem on the efficient solution of which depends the health and well-being of its inhabitants. The insanitary conditions of the city due to defective drainage and conservancy had not escaped the attention of the administration which had striven from the earliest times to ameliorate them by local and partial reforms from time to time. The inadequacy of the resources of the municipality stood for a long time as an insurmountable barrier against the undertaking of any comprehensive scheme for improving the city's drainage.

2. The problem of drainage of the city may be broadly divided into two parts, viz., (1) the internal drainage and (2) the outfall, i.e., the disposal of the sewage, etc., conveyed by the internal

drainage pipes and conduits by carrying it to a river, canal or other specially arranged areas, preferably some distance away from the city where the sewage is ultimately disposed of. It may be mentioned that the efficiency of the drainage system will depend first on properly designed conduits and pipes within the city giving an even flow of the sewage towards the outfall river, canal, etc., and secondly on the suitability of the river, canal and other areas for receiving the sewage without these outfall channels being themselves blocked up, and not being able to receive the sewage arriving from the drained areas. The even flow of sewage necessary in a system devised for the above purpose cannot be secured entirely by gravity in a city of the topographical characteristics of Calcutta. The sewage had, therefore, to be pumped at selected localities to give it the necessary head for its onward flow, and final disposal into the outfall channel. In this connection it should be remembered that the drains in the city of Calcutta not only carry night-soil, human excreta and other liquid or semi-liquid waste products of the city, but they are also used as run-off channels for rain water. The rainfall is sometime very heavy, and quickly floods the low-lying places. Streets remain water-logged, causing serious interference with the transport system. It has been truly mentioned by one of the members of the "Committee to enquire into the drainage condition of Calcutta and adjoining areas, 1945", that "Calcutta is a saucer-shaped city with a steep fall of nearly 4 feet to the mile from Strand Road to Cornwallis Street (24·0 feet at Strand Road to 19·5 at Kalutola and Vidyasagar Street). The level then gradually rises upwards to about 20·7 at Circular Road and 23·0 at the bank of the Circular Canal." This shape of the city makes it difficult to arrange for the quick run-off of storm water when there is a heavy shower of rain.

3. The labours of the 1945 Drainage Expert Committee mentioned above are not yet finished. This Committee has gone into many problems relating to the drainage of the city and its adjoining areas and has made several recommendations on different points with a view to improving the drainage system of the city and adjoining areas. The sooner these recommendations are given effect to, the better for the improvement of the drainage of the city.

4. Without going into details of the early history of the efforts made by the Calcutta Corporation to devise satisfactory plans for draining the city, we may say that the beginning of the present system of drainage can be traced to the scheme of Mr. W. Clarke, an eminent and experienced Sanitary Engineer, who was appointed by the Commissioners for the improvement of Calcutta, as their Secretary and Engineer in 1853. It may be mentioned that Calcutta owes a great deal to Mr. Clarke for the successful inauguration of both the water-supply and drainage in Calcutta. Mr. Clarke's scheme of drainage was sanctioned by Government early in 1859 and was practically completed in 1875.

Details of Clarke's Scheme.

5. In 1853, Mr. Clarke decided that the problem had to be solved by providing underground drains (both main and branch) for the conveyance of sewage which had to be disposed of in the Salt Lakes to the east of the city. It was a combined scheme receiving rainfall and sewage into the same drainage channels within the city. The scheme comprised five main sewers, their branches and accessories and also outfall works. Three of the main sewers extended from the Hooghly to the Circular Road along—

- (i) Nimtolla Ghat Street,
- (ii) Colootola Street, and
- (iii) Dharamtolla Street.

6. These three main sewers were connected to one main intercepting sewer starting from the Hooghly at Sovabazar Street and running eastward to Circular Road and continuing along Upper Circular Road to Dharamtolla Junction. Between this Circular Road sewer and the Circular Canal, were provided four storm-water overflow channels with penstocks (discharging into the Circular Canal). They were of much larger capacity than the sewers. The other main intercepting sewer started from Tolly's Nullah near Zeerut Bridge, and following Lower Circular Road joined the first intercepting sewer from the north at the Dharamtolla Junction. The combined sewage of the northern and southern parts of the city from Dharamtolla Junction was led into Palmer's Bridge Pumping Station, where it was delivered by pumping into a high level sewer conveying it to the outfall at Tangra Creek. The sewage was moved by gravity till it reached the Palmer's Bridge Pumping Station. The sewers were so designed that they were able to deal with a quarter inch rainfall per hour or 69,000 cubic feet per minute including sewage drained from an area of about 4,600 acres. This scheme including 30 miles of brick and 79½ miles of branch pipe sewers, pumping station, gullies, penstocks, surface channels, outfall, high level sewer, land and establishment was estimated to cost just over Rs. 34 lakhs and was, as previously mentioned, sanctioned by Government in 1859.

Extension and remodelling of Clarke's Scheme.

7. In 1891, the drainage system of the city was further considered, as it was found that the then existing arrangement was not adequate for efficiently getting rid of the city's sewage and storm water.

8. A scheme was sanctioned by the Corporation for the excavation of a head-cut and storm-water reservoir between Palmer's Bridge and Bidyadhari river at Bantola, 5 miles distant, the reservoir having a capacity of 52 million gallons (equivalent to one-third inch rainfall per hour for 8 hours over an area 5,292 acres).

9. In replacement of Clarke's original high level sewer running eastwards from Palmer's Bridge towards Rajakhal (Salt Lakes), a new high level sewer 8 feet in diameter capable of discharging 11,300 cubic feet per minute was constructed from Palmer's Bridge Pumping Station to a point at Topsia (called Point "A") where it was subsequently met by another high level sewer called suburban high level sewer from the Ballygunge Pumping Station, which was constructed at about the same time to deal with the sewage from the southern part of the city. From Point "A" the combined sewage of the northern and southern part of the city, i.e., of the whole city, flew along an open *pucca* channel which discharged into the suburban storm-water reservoir about two miles east of Ballygunge Drainage Pumping Station and thence to Bidyadhari river, 2½ miles further east. The original high level sewer of Clarke was abandoned as the outfall into the Salt Lakes area ceased to function properly due to its deterioration.

10. The next stage of development of the city's drainage scheme comprised the development of the various projects for the drainage of the suburban area and the southern portion of the city. The works included a complete sewerage system with branches from the docks and other areas on the west, to the newly-constructed Ballygunge Pumping Station in the east. At the Ballygunge Pumping Station the sewage was pumped into a high level sewer through which it gravitated to Point "A", whence it passed through the combined sewage channel and the suburban storm-water reservoir into the Bidyadhari river through sluice gates. The sewage from the outlying areas in Kidderpore and Mominpore was taken through a system of sewers to the Mominpore Pumping

Station which delivered the sewage through drains along Alipore Road, Judge's Court Road and Hazra Road to Ballygunge Pumping Station. The area originally dealt with in this system was nearly 4,000 acres. This system was also a combined one dealing with sewage and run-off rain-water. Bulk of the storm-water from the suburban area, however, found its way into the Port Commissioners' Boat Canal and Tolly's Nullah through the surface and Nikashi drains and overflows.

11. Other internal drainage projects were undertaken at about the same time particularly in the Beliaghata area and the canal area. The sewage of the Beliaghata area was drained into the intercepting sewer and the Town Head-Cut at the Palmer's Bridge Pumping Station.

12. The canal area comprised the region north of the Sealdah Station and between Circular Road and Circular Canal. For the drainage of this area and some parts of the city proper in the neighbourhood, a pumping station was installed at the junction of Raja Dinendra Street and Maniktola Street. Some of the drains previously connected with the Circular Road main sewer were cut off from it, and joined to the main sewer of the canal area. The Maniktola Pumping Station delivered its sewage through the main drain along Raja Dinendra Street and on to Palmer's Bridge Pumping Station. With the advent of the Calcutta Improvement Trust, many sewers have been constructed along new roads projected by that body both in the southern and northern parts of the city. They have all been incorporated with the existing system and sewages from all of them are finally conveyed either to the Palmer's Bridge or to the Ballygunge Pumping Station. These are the two main centres whence the sewages are conveyed to the outfall on the eastern side of the city. It may be mentioned here that Mr. Clarke's original drainage scheme was so well designed with adequate margin for development that up to the present time, no serious difficulty has been experienced in getting rid of the sewage through the existing system in the city with easily adaptable additions and extensions. Two of these additions were the laying of high level sewers, one from Palmer's Bridge and the other from Ballygunge Pumping Station to Point "A".

The Outfall.

13. The outfall for the Calcutta sewage was originally the Salt Lakes. But, as has already been mentioned, the Salt Lakes deteriorated and were unable to function as an efficient receptacle for the sewage, and a high level sewer was built from the Palmer's Bridge Pumping Station to a place called Topsia whence an open channel was built to the nearby Bidyadhari river for the conveyance of the sewage for discharge into that river. At about the same time the Ballygunge Pumping Station was installed and a high level sewer was constructed from that place to the same point (now known as Point "A") at Topsia for utilising the open channel from Topsia to the Bidyadhari river for conveying the sewage to that river from the southern part of the city. So long as the Bidyadhari, a fairly big tidal river, was a live river, this arrangement worked well, and nothing untoward happened, or was expected to happen. Unfortunately this river started deteriorating, and even as early as 1904, the Government Irrigation Engineer sounded a note of warning that the river would not last long to serve as an outfall for the Calcutta sewage. In 1912 it was discovered that the river bed had gone up by 18 feet in 8 years. Remedial measures were then applied in quick succession to keep the river going, and over 20 lakhs of rupees was spent in six years to maintain the upper reaches of the river by spilling, spurring and dredging. These efforts did not produce the desired result. Even the dredger employed for the work was trapped,

and could not be extricated until the highest tide in the succeeding monsoon. Finally Government decided to abandon the river to its fate in 1928.

14. Then the problem of finding a suitable outfall for the Calcutta sewage became an emergent one. The extent of the deterioration of the Bidyadhari could be judged by the fact that the cross-sectional area of the river at a place called Bamanghata (near the outfall) which was 13,674 square feet in 1883 dwindled down to 250 square feet in 1935. The sewage could not be held by the river and it began to sprawl back towards the city to the imminent danger of the health of its inhabitants.

15. The Corporation Engineers prepared several schemes for the disposal of the sewage and storm-water of the city in consultation with Government Engineers. In every scheme there were alternative proposals to utilise the river Hooghly or the river Kulti, the only two live rivers near Calcutta suitable for the outfall. But no final decision was arrived at till the year 1935.

16. The problem was ultimately solved by Dr. Dey who was appointed a Special Officer by the Calcutta Corporation a few years before. He selected the river Kulti for an outfall of the city by shifting it from the Bidyadhari. The river was 17 miles away from the site of the Bidyadhari outfall. He provided two channels—one for carrying the storm-water discharges, and the other for the dry weather flow. The storm-water discharge channel was really a continuation of the suburban storm-water reservoir with its head-cut from Ballygunge Pumping Station. Separate sluice gates were provided for the discharge of the contents of the dry weather and storm-water flow channels into the river Kulti.

17. Dr. Dey's scheme was finally sanctioned by Government in 1935 at an estimated cost of Rs. 48,40,000 in modification of his previous scheme of Rs. 37,40,000. The storm-water channel was designed with a bed width of 120 feet, side slope 1 in $1\frac{1}{2}$ feet with a gradient of 5 inches per mile and depth varying from 12 to 20 feet. It had sufficient capacity not only to carry the storm-water discharge of about 2,000 c.ft. from the city, but also to drain in addition the water-logged areas in the neighbourhood. This is an important feature of the scheme. It has been rightly stated that the storm-water channel is an inestimable boon to the whole of the country side through which it passes. It has already helped reclamation of a number of water-logged plots in the neighbourhood. This channel is easily capable of being widened and deepened if found necessary to drain the entire area through which it passes so that more land can be brought into cultivation to the benefit of the people residing there. New villages will also grow up in the area as a result

of improvement of the swampy land by effective drainage.

18. The dry weather channel which is not ready yet is to be a *pucca* channel with a capacity not only to carry the dry weather discharge from the city and suburbs but to leave a big margin for future needs. As this channel is not completed the storm-water channel is now being utilised both for the storm-water and dry weather discharge—a most unsatisfactory arrangement likely to cause serious damage to the storm-water channel. The completion of the dry weather flow channel should not, therefore, be further delayed. Moreover, as soon as the dry weather flow channel is completed, a regular system of distribution of sewage to fisheries in the neighbourhood can be introduced with substantial income to the Corporation.

19. To eliminate the solid matters in the sewage as much as possible, two sedimentation tanks have been installed at a place called Bantola near the old outfall to Bidyadhari. Without describing the technical details of the construction of these tanks, it is sufficient to state that the sewage from Point "A" passes through these sedimentation tanks and is freed from solid matters. The sewage, thus considerably thinned, passes on to the Kulti river through the storm-water channel in the absence of the much-needed dry weather flow channel. The sludge collected at the sedimentation tanks at Bantola is pumped into a nearby lagoon whence it is now being removed for use as manure. "Producer Gas" can also be obtained from this sludge, with the installation of necessary plants. The gas can be utilised as a source of power for working pumps at different pumping stations of the Corporation and also for lighting and heating purposes—the Commission is not in a position to consider the technical details of the scheme, and also the pros and cons of the utilisation of the sludge for above purpose. We however, think that the proposal should be seriously considered by the Corporation, with the assistance of experts, who will be able to give proper advice. We have however been informed that the fertilising value of the sludge will be appreciably reduced by the process of gas extraction. The Chief Engineer considers that with an expenditure of 88 lakhs of rupees (*see report on "Finance"*) a suitable plant can be installed for the collection of producer gas out of the sludge. He is definitely in favour of the installation of such a plant. The economic aspect of the whole scheme has to be carefully examined before launching the project.

20. The following is an abstract of works with estimated costs totalling Rs. 48 lakhs drawn up by Dr. Dey for the external drainage of Calcutta popularly known as Dr. Dey's Kulti Outfall Scheme. These figures were supplied by the Outfall Engineer, Mr. A. N. Banerjee:—

Dr. Dey's Kulti Outfall Scheme.

Abstract of estimate of Rs. 48 lakhs for improvement of external drainage of Calcutta.

No.	Items.	Quantity.	Cost.	Remarks.
<i>Part I (Main Channels and Sluices).</i>				
1 and 2 ..	Land acquisition and boundary pillars ..	3,520 bighas ..	5,34,000	Completed.
3(a) ..	Storm-water channel—Bantola to Kulti ..	1,200 lakhs ft. ..	11,40,000	Ditto.
3(b), 4 and 5 ..	Dry weather flow channel excavation, dressing and lining Bantola to Kulti.	....	9,25,000	Partly done.
6 and 7 ..	Storm-water and dry weather flow sluices ..	2 Nos. ..	3,95,000	Completed.
8(a) to 8(d) ..	Crossing the Bidyadhari and ancillary works ..	....	40,000	
9 ..	Staff and menials' quarters ..	1 Item ..	25,000	Completed.
10 ..	Cross drainage works ..	6 Nos. ..	30,000	Ditto.
11 ..	Escapes and flushing sluices ..	3 Nos. ..	12,000	
12 ..	Service road—Bantola to Kulti ..	8.40 lakhs c.ft. ..	1,68,000	
13 ..	Bridges ..	8 Nos. ..	24,000	Completed.
14 ..	Compensation and other unforeseen items ..	1 Item ..	1,00,000	
15 ..	Tube-well at Kulti ..	1 No. ..	6,000	Completed.
		....	34,00,000	
			3,40,000	
		Carried over ..	37,40,000	

No.	Items.	Quantity.	Cost.	Remarks.
			Rs.	
	<i>Part II (Settling Tanks, etc.).</i>			
1, 2 and 3 ..	Sedimentation tanks, equipment and drying beds ..	.....	37,40,000	
4 ..	Railway line, tip wagons, locomotives and staff quarters, etc.	.....	9,00,000	Partly completed.
			1,00,000	
			10,00,000	
	Supervision and contingencies ..	.....	1,00,000	
			11,00,000	
	Grand Total ..	.....	48,40,000	

21. The channel was dredged in the course of two years from September 1937 by the Government dredger "Ronaldshay" and that alone cost more than Rs. 11 lakhs. The total area of land actually acquired in connection with this project was about 4,938 bighas at a cost of Rs. 7 lakhs. The area absorbed by the Outfall Scheme including dry weather flow channel, bundhs, road, terminal, embankments and sites for staff quarters is nearly 3,069 bighas, leaving a total surplus area of 1,869 bighas. Dr. Dey's Outfall Scheme received special attention of the Commission both on account of the magnitude of the works, and the importance thereof in the life of the city as also because of certain complaints brought to their notice.

22. Dr. Dey's Outfall Scheme, though commenced in 1937, is not yet completed. It was continued till 1945 when funds allotted to the work were exhausted. The most important of the items to be still carried out is, as already mentioned above, the dry weather flow channel. A sum of Rs. 9,25,000 was provided for this part of the work, but very little progress, if any at all, has so far been made with it. It is absolutely necessary that the dry weather flow channel from Bantola to Kulti Outfall should be completed as quickly as possible. As already mentioned before, any delay in carrying this work will lead to quick deterioration of the whole Outfall Scheme from Bantola to Kulti.

23. In addition to the Kulti Outfall Scheme, Dr. Dey also drew up a supplementary Drainage Scheme for the city, known as Dr. Dey's "Main Drainage Extension Scheme (Internal)" which was estimated to cost Rs. 65 lakhs. The various works under this scheme though sanctioned by Government in May 1931, have not been fully completed up to date. All these works were to be carried out by funds raised by loans. The Commission examined a list (Appendix XXXVI) prepared by the Executive Engineer, Drainage, of the different items of works included in this scheme. The list gives details of works finished, unfinished and not yet started.

24. This scheme, as originally prepared, was estimated to cost Rs. 65 lakhs and was sanctioned by Government in May 1931. Against this sanction, a loan of Rs. 45,01,000 was raised, but Rs. 1,21,000 was diverted to meet some other emergent expenses. Of the balance left, Rs. 41,50,000 was spent up to 31st August 1949, leaving a net balance of Rs. 2,30,000. A note from the Chief Engineer (Appendix XXXVII) will show that nearly a crore of rupees will now be the cost of works sanctioned in 1931. This is a serious position and it is clear that the Corporation will now have to spend a large sum of money to implement projects which, if vigorously pushed through at the time, would have been carried out at a much lower cost.

Drainage of the Added Areas of Cossipore and Maniktola.

25. Though these areas were taken over by the Calcutta Corporation about 25 years ago, nothing has been done to drain this area by a properly designed underground drainage system all this time. These areas are still being served by "service" privies of which the total number is in the neighbourhood of 25,000. The sullage and the rain water from Maniktola area used to be led by gravity through *Nikashi* surface drains running from west to east along (1) Ultadanga Main Road, (2) Maniktola Main Road, (3) Narkeldanga Main Road into the Salt Lakes, but since the construction of the New Cut Canal, the sullage and rain water had to be passed by syphons under the canal. This outlet was subsequently interrupted by a drainage canal which was excavated parallel to the New Cut Canal and connected with the Central Lake Channel through sluice gates at Dhappa. Later on, it was found that with the deterioration of the Central Lake Channel (upper reach of the Bidyadhari), the sullage, etc., could not be disposed of by gravity alone, and four pumping stations had to be installed on the inlet sides of the syphons, to lift the sullage and then discharge it by gravity into the Central Lake Channel. This arrangement is not also working well due to the continual deterioration of the outlet channel, and early action is called for to remedy the defect.

26. With regard to the Cossipore area, the story is more or less the same. Here also the sullage is passed through *Nikashi* drains to the Bagjola Pumping Station, and disposed of by pumping into the drainage syphon under the Kristapur Canal, and ultimately discharged into the Northern Salt Lakes.

27. We find that the Calcutta Improvement Trust is now engaged in excavating a main drainage channel which will extend from the northern end of the Maniktola area to Dhappa Lock. This is meant to be the main underground channel for this area. A pumping station at Dhappa will deliver the sewage arriving by this route into Bantola Sedimentation Tank by another high level *pucca* open sewer which is yet to be excavated by the Calcutta Corporation. Once this main drainage of the Maniktola area is completed, subsidiary underground branch pipes have got to be laid throughout this area. From enquiries made it is learnt that very little progress has been made with this work by the Calcutta Improvement Trust and we cannot foresee the time when it is likely to be completed. It will probably take at least ten years before this area is fully equipped with an underground drainage system. With regard to the pumping station at Dhappa, only the buildings have been constructed but the equipment has not been procured and installed. There does not seem to be any particular hurry for this work

as by the time the drainage channel is completed, there may not be any difficulty for the Corporation to complete this work provided funds are available.

28. The underground drainage system of the Cossipore area is not in the picture at all. The idea, we understand, is to connect the main drainage channel for this area with the Maniktola Main Channel when the latter is completed. It is, therefore, impossible to say when the Cossipore area will have the benefit of an underground drainage system. In the meantime the inhabitants of both Maniktola and Cossipore areas will have to put up with the insanitary system of open drains and "service" latrines.

29. Coming nearer to the city, we find that even in the sewered area there are about 15,000 "service" privies in use. There are many streets and pockets in the sewered areas which are still being served by "service" latrines. The Chief Engineer's note (Appendix XXXVII) gives a more or less detailed account of these areas. On a computation carried out by the Chief Engineer it appears that nearly one-third of the total area of the city remains unsewered. This matter should not be viewed with complacence. The whole position is anything but satisfactory. We consider that the rules regarding the abolition of "service" latrines in this area should be strictly enforced, and owners of all premises within 100 feet of an underground drain should be compelled to connect them with the underground sewers. Where the distance exceeds the limit, the Corporation should, as laid down in the Act, lay branch pipes, etc., to facilitate the connection of the unsewered premises into the general drainage system.

30. Another important point which should be borne in mind in this connection is that the Corporation is dependent on the services of scavengers for the maintenance of these "service" latrines. The recent strike of scavengers amply demonstrated the helplessness of the Corporation, and the unbearable situation created by such incidents. It is, therefore, of the utmost importance that the "service" latrines ought to disappear from the city as quickly as possible.

Drainage of Wards 18 and 19.

31. Apart from the above, there is a considerable area to the east of Lower Circular Road (Entally area—Wards 18 and 19) which still remains unsewered and the people are forced to make use of "service" privies. This area was included in the Calcutta Corporation over half a century ago. We find there is a proposal to excavate an underground sewer from the junction of Lower Circular Road and Dharamtola Street to a point on the alignment on the high level sewer between Ballygunge Pumping Station and Point "A". This work was included in Dr. Dey's internal drainage scheme sanctioned in 1931, but no steps appear to have been taken to implement it up to date.

Miscellaneous information regarding the Drainage System.

32. Besides the particulars of the City's Drainage System described above, there are a few other points which will be found of general interest.

33. (1) Ordinarily the dry weather flow channel (high level sewers) are utilised for passing the sewage from the Palmer's Bridge Pumping Station and the Ballygunge Pumping Station. Two storm-water channels are, however, provided—one from the Palmer's Bridge Pumping Station and the other from Ballygunge Pumping Station for passing the storm-water flow. The one known as Town Storm Water Outfall consists of an open channel which starts from the Palmer's Bridge Pumping Station as a storm-water head-cut and enlarges itself into a reservoir. This used

to fall into the Bidyadhari river. The other known as suburban storm water outfall is an open channel starting as a head-cut from Ballygunge Pumping Station and enlarges itself into a reservoir called the Suburban Storm Water Reservoir. It used similarly to fall into the Bidyadhari river. Both these channels are now incorporated with the Kulti Outfall Scheme. The storm-water and sewage arriving by them are passed into the nearby excavated storm-water channel from Bantola to Kulti. The connection of these channels to the Kulti storm-water channel at Bantola is not very well defined, for example, the old suburban storm-water channel is joined with the Kulti storm-water channel round a **bund** across the main channel, behind which runs a high level conduit with a view to diverting a part of the sewage from dry weather flow channel arriving from Point "A" on to the old bed of the Bidyadhari below Bantola. Similarly a part of this sewage is allowed to flow into the upper reach of the defunct Bidyadhari river and the Central Lake Channel at the Bantola crossing. This is done by allowing the dry weather flow channel from Point "A" to join up with this part of the Bidyadhari before continuing its course to the sedimentation tanks. The flow of sewage into this channel is regulated by certain sluices and gates. The object of thus diverting sewage into the above channels is obviously to enable fisheries in the neighbourhood to be supplied with the valuable sewage for fish culture. The Corporation, however, has not in the past derived any income for the supply of sewage to these fisheries; it has practically been obtained free by the owners of the fisheries. In this connection, the report of the Drainage Engineer is worth quoting: "Until the dry weather flow of sewage on its way to the sedimentation tanks is completely isolated, the entire upper reach of the Central Lake Channel will remain sewage laden. The numerous fishery owners are in an advantageous position to draw their supply of sewage for their fisheries without payment of prescribed fees to the Corporation."

(2) Pumping Stations.

34. There are in all fifteen pumping stations of the Corporation working at different localities of the city. The functions of the main pumping stations, viz., at Palmer's Bridge, Ballygunge, Maniktola and Mominpore have already been mentioned. There are other small pumping stations of which the functions are to create heads for sewages for their even flow at syphon stations for crossing under canals, etc., and also for dealing with sullages collected from open drains in different parts of the city with a view to discharge them into various sewage channels. It is not necessary to give a detailed description of these pumping stations. The pumps at the different pumping stations are variously worked—by steam, oil engines, electric motors and in one station by gas engines. The average volume of dry weather sewage removed from the municipal area per day is given below:—

	Million gallons.
(1) Palmer's Bridge Pumping Station	.. 84
(2) Ballygunge Pumping Station	.. 35
(3) Topsia Pumping Station	.. 1.38
(4) Bagjola Pumping Station	.. 2
(5) Four Syphon Pumping Stations at Ultadanga, Maniktola, Narkeldanga and Beliaghata	.. 7.20
(6) Pagladanga and Kulia-Tangra Pumping Stations	0.26
Total	.. 129.84
Or approximately	130 per day.

35. It will be interesting to note in this connection that the average total daily supply of filtered and unfiltered water is about 73 million gallons and 89 million gallons respectively. The efficiency and smooth working of the drainage systems are

facilitated by a copious supply of both filtered and unfiltered water used by the inhabitants in the city, a major portion of which finds its way into the drains. This dilutes the sewage and consequently helps its easy flow through the drainage channels.

(3) Further details of pumping machineries.

36. The Commission is satisfied that the four steam engines driven pumping units in Ballygunge Pumping Stations which were installed as early as in 1904 ought to be replaced by new units of electrically-driven sets. Also an independent pumping set ought to be provided for dealing with storm-water as has been done at the Palmer's Bridge Pumping sets. The pumping units in other stations do not require replacement at once. Some of them which have been working for more than 20 to 25 years will probably have to be replaced in the near future. It is, therefore, necessary for the Corporation to devise proper ways and means so that the replacements of such machineries can be taken up in time.

37. With regard to the replacement of pumping units and the installation of additional pumping units at the Ballygunge Drainage Pumping Station, it is noticed that this work was included in Dr. Dey's internal drainage scheme sanctioned in 1931, but no action has been taken to implement the work. It has been represented to us that this work is of a very urgent nature and unless funds are provided and action taken to complete the work without further delay, the drainage of the suburban area may be adversely affected in the very near future.

(4) Storm-Water Overflows and Penstocks.

38. As has been mentioned already, the main underground drains also carry the run-off storm-water of the city. The storm-water finds access to the underground drains through road gully-pits, manholes, etc. In addition, overflow penstocks have been provided for the discharge of storm-water either to the river Hooghly or to canals near about the city. This has been found necessary, as the underground drains were designed for the disposal of $\frac{1}{4}$ " rainfall per hour, and as such the flooding of the city at higher rainfalls can only be dealt with by providing means of discharge of this surplus water into the nearest available water course.

39. With this object the Upper Circular Road intercepting sewer was constructed with four storm-water overflows in the Circular Canal to the east of the city through (1) Halsibagan Road, (2) Maniktola Road, (3) Kaiser Street, and (4) Gas Street. But as Government objected to the use of the canal for this purpose, an intercepting sewer was constructed to catch the storm-water and convey it to the head-cut at the Palmer's Bridge Pumping Station. This sewer runs along the west bank of Circular Canal from Halsibagan Road to the East Bengal Railway and thence in a direct line to the Palmer's Bridge Pumping Station.

40. Main sewers of the Clark's Scheme were also provided with five flushing penstocks, four on the river Hooghly and one on the Tolly's Nullah. They are connected with main sewers running along (1) Sovabazar Street, (2) Nimtola Ghat Street, (3) Canning Street, (4) Dharamtolla Street (ending at Chandpal Ghat), and (5) the Lower Circular Road (to Tolly's Nullah through Telegraph Store Yard). For the north-western portion of Bhowanipore, there is a sewer with outlet into the Tolly's Nullah at Katuakoti.

41. In this connection, it is to be noted that at the Conference of Engineers, 1924, it was recommended that the greatest possible use should be made of the storm-water overflows into the Hooghly, Tolly's Nullah and other waterways for relieving the Calcutta sewers in times of heavy

rains thus reducing the quantity of storm-water to be dealt with at the Calcutta Sewage Pumping Stations and the Corporation should be authorised to establish such new storm-water overflows as may be necessary for this purpose. Unfortunately, however, the last war and its aftermath and the financial circumstances of the Corporation interfered with the execution of many urgent schemes. One of them is the construction of a storm-water overflow penstock on the Hooghly near Jagannath Ghat for the storm-water sewer constructed by the Calcutta Improvement Trust in Kali Krishna Tagore Street. Next is the extension of storm-water sewer from Halsibagan Road to the river Hooghly near Chitpore Lock with outlet to the Hooghly, including the installation of a pumping station there to facilitate the discharge of the storm-water overflow into the river during high tides. The Corporation Engineers consider that these two schemes are of urgent necessity and steps ought to be taken to implement them as quickly as possible. The Commission agrees with this view.

42. Certain other penstocks were constructed under A.R.P. measures during the war on the Tolly's Nullah which have not yet been put into commission. These penstocks were connected with sewers in the suburban area. Two such penstocks—one near Shanagore Burning Ghat and the other near Kalighat Bridge—may perhaps be utilised for relief to the flooded areas in the neighbourhood during heavy rains.

Silt Clearing Work of the Drainage Department.

43. It has been represented to us by the Executive Engineer, Drainage, that the silt deposited in brick-sewers is not being effectively cleared for want of staff as well as lorries. The sizes of these brick-sewers, the clearance of which is attended to by the Drainage Department vary from 2 feet to 12 feet in diameter. Labour staff employed for this purpose consists of 260 sewer coolies and 8 lorry coolies. Two hundred and sixty sewer coolies are grouped in gangs of ten and work under the guidance of tindals or mates. The gangs are distributed under four sub-overseers, one in-charge, in each district. For transportation of silt from sewer pit-heads to dumping grounds now distributed on the outskirts of the city ten lorries are available. The Drainage Engineer represents that it is not possible to transport on the average more than 2,500 cubic feet of silt per day. On this basis total quantity of silt removed by the lorries would work out to 912,000 cubic feet approximately, if work goes on for all the 365 days in the year.

44. But the annual averages for the last few years (except the year 1948-49 in which larger sewers were handled more than the smaller ones) are much lower than the figure mentioned above on account of many non-working days due to civil disturbance, restricted work on account of suspension of lorry services on certain religious festivals and also due to lorry breakdowns and stoppages of work due to rains.

45. The output of silt clearance during the eight months of the current year, i.e., from 1st April to 30th November 1949, is reported to be 504,000 cubic feet. On this basis if work goes on at the present rate, the estimated output of clearance for the current year works out to 756,000 cubic feet. The Executive Engineer, Drainage, has submitted to us a complete statement of accumulation of silt in the brick-sewers which he has found out by actual measurement of depths of silt in the sewers, up to the end of October 1949. According to his statement, the total accumulation works out to 2,088,000 cubic feet. He represents that this quantity will increase by progressive accumulation of silts during the period of clearance. Of this quantity not more than 7,50,000 cubic feet per year can be removed with his present staff of

coolies and available lorries. He, therefore, suggests that 200 additional sewer coolies and eight more silt lorries of 4-ton capacity will be necessary to keep the brick-sewers clean for movement of sewage. He also points out that the rapid influx of population has the effect of increasing the amount of sewage which these sewers are required to carry, and the clearing of this heavy accumulation is a matter of urgent necessity. It is very essential that as much total capacity of the sewer as possible should be left silt-free for the disposal of storm-water in addition to sewage, it being remembered that the same sewers have to carry both the storm-water and the sewage of the city.

46. We have no grounds to question the reasonableness of this contention of the Executive Engineer, Drainage, and we, therefore, recommend that this matter should be expeditiously dealt with by the Corporation authorities so that the silt clearing work is done efficiently so that the sewers are not blocked by the unusual accumulation of silt.

General Remarks.

47. The extraordinary growth of population in the city since the partition of the country has made the effective provision of drainage of the city (which was not by any means adequate even before the arrival of the extra population from outside its limits), a most imperative necessity. The unfinished works ought to be carried out fairly quickly. The schemes for draining the Maniktola and Cossipore areas as also the other projects for completing the drainage system should, in the opinion of the Commission, be pushed on with vigour and should no longer be allowed to remain as paper schemes only. The Commission desires to draw the urgent attention of Government to the note (Appendix XXXVII) prepared at its request by the Chief Engineer of the Corporation, dealing with the whole problem of drainage of the city. This note is rather dismal reading. It is time that Government should take action to come to the assistance of the Corporation without further delay. It is clear that the works will have to be spread over several years, but unless a beginning is made at once and steady and uninterrupted efforts to implement them be continuously pursued, the situation will grow worse. It is already bad enough and should not be allowed to deteriorate further.

The block capital sunk on the drainage scheme up-to-date works out, according to Chief Engineer's report, to Rs. 2·91 crores excluding the cost of pumping equipment for which figures are not readily available separately as they are included in the total for machineries both for water supply and drainage projects. We have at present within the municipal area about 89 miles of brick-sewers, 285 miles of piper-sewers and 346 miles of surface and *Nikashi* drains. These figures will of course be substantially augmented when all the projected schemes are completed. With the present cost of materials and labour, it is not difficult to appreciate that without an expenditure of several crores of rupees it will not be possible to implement the contemplated schemes. The work will perchance have to be spread over quite a number of years, but the capital expenditure involved is beyond the ordinary resources of the Corporation. The Chief Engineer has in his note (Appendix XXXVII) given certain figures for the conversion of service privies in seweried areas. This alone works out to about 2 crores of rupees. The Commission have no means to certify to the correctness or otherwise of these figures, but generally speaking it is convinced that the calculations are fairly correct and the expense will be very heavy indeed. The only way funds required for these works can be raised is by raising (i) loans and also by (ii) liberal grants by the local Government. Both the drainage and the

water works of the city will have to be brought up to their proper level of requirements if the city is to survive and prosper and its inhabitants are to enjoy the sanitation, convenience and amenities expected of a city like Calcutta. Therefore, the finance required to implement the various schemes of drainage and water works, as envisaged in the Commission's report on them, have to be specially found.

48. The borrowing capacity of the Corporation as far as can be judged from the figures of the current Corporation budget is very limited and there is little scope for raising a big sum for capital works by this means. It, therefore, follows that the only alternative is for the local Government to advance necessary funds to the Corporation for the completion of both the drainage and water works schemes. Some of these schemes are really urgent measures for prevention of epidemics in the city and local Government ought to be specially interested in their implementation.

49. Appendix XXXIX is a map which will show the various drainage schemes we have been discussing.

Administration of the Drainage Department.

50. The Executive Engineer who is the head of the Drainage Department, subject to the general control of the Chief Engineer, is responsible for the working of the drainage pumping stations, the reconstruction of collapsed sewers of all sizes and categories, the clearing of silt from the brick-sewers and also for the construction of new drainage works as may be sanctioned. The District Engineers who are not under the Executive Engineer, Drainage, are entrusted with the sanction and supervision of house drainage and their connection with the Corporation sewers, cleaning of pipe-sewers and gully pits and chokeage of house drains, the maintenance of service and *Nikashi* drains, etc. The drainage system of the Corporation is in that way under dual control. A separate organisational set-up is maintained for the Kulti Outfall which is under the Outfall Engineer at Kulti, who is independent of the Executive Engineer, Drainage. The Executive Engineer, Drainage, is in charge of the old outfall up to the sedimentation tanks at Bantola. He is assisted by a Resident Engineer, Drainage Works. The supervisory duty of the Executive Engineer is divided into two main sections, viz. (1) the drawing office with 9 clerical establishment, 2 estimators and 8 draftsmen, duftries, peons, etc., who constitute the indoor staff, and (2) the outdoor and out-station work in the different drainage pumping stations, the operational maintenance of Hooghly penstocks, the sewerage work of the labour staff under subordinate supervisory officers including the cleaning of the brick-sewers and the maintenance of the old outfall. The main drainage pumping stations are, as already stated, Palmer's Bridge, Ballygunge and Maniktola, each under a Superintendent with a technical and non-technical subordinate staff. Palmer's Bridge has two sub-stations under it, viz.: (1) Pagladanga and (2) Kulia Tangra. Ballygunge has four sub-stations, viz., Mominpore, Topsia, Chetla and Nemak Mahal. Maniktola has the following sub-stations under it: (1) Ultadanga, (2) Maniktola, (3) Narkeldanga and (4) Beliaghata, which are syphon stations besides Bagjola and Belgachia sub-stations.

51. The last budget estimate provides for the following expenditure for the year 1949-50 on account of drainage:—

Rs.	
Drainage pumping stations	... 8,24,300
Sewers and surface drains	... 11,17,100
House drains	... 95,400
Total	... 20,36,800

52. In addition to the above, a sum of Rs. 2,19,000 is provided for to meet the cost of maintenance of the drainage outfall works. Out

of that sum, Rs. 38,350 is the estimated expenditure of the year on account of the Old Outfall at Bantola and Rs. 1,80,650 on account of the New Outfall from Bantola to Kulti.

53. An analysis of the estimated expenditure aggregating a sum of Rs. 22,55,800 shows that no provision has been made for any addition to or extension of the sewers or pipes or for new plants and machineries, and very little for repairs to the existing ones.

54. Out of the total provision of Rs. 6,74,400 under the head "Sewers and Surface Drains", a sum of Rs. 29,000 is provided for repairs to sewers, and Rs. 39,000 for repairs to surface drains for all the districts and the added areas together. In the estimate of expenditure on account of drainage outfall, Rs. 20,000 is provided for repairs to the Old Bantola Outfall, and Rs. 50,000 for repairs to the New Kulti Outfall. Out of Rs. 92,700 provided under the head "House Drainage", nothing is ear-marked for repair works. For the drainage pumping stations provisions are made for (a) building, and (b) engines and boilers, while nothing has been provided for new works:—

Name of station.	Buildings.	Engines and boilers.	
	Rs.	Rs.	
Maniktola .. ..	.. 6,000	8,000	
Palmer's Bridge .. ..	.. 9,000	33,000	
Ballygunge .. ..	.. 9,000	28,000	
Mominpore .. ..	.. 1,500	4,000	
Chetla .. ..	.. ..	..
Topsia .. ..	.. ..	..
Syphon pumps at Maniktola	800	5,000	
Belgachia .. ..	.. ..	1,000	
Bagjola .. ..	.. 1,700	6,500	

55. The fact is that nearly all the money goes to meet the cost of establishment and very little towards maintenance and improvement of the plants machineries and other accessories which keep up the drainage service. The superior technical officers of the department are unanimous in their apprehension that the continued neglect to keep the drainage system in proper repairs and to improve it by additional and new works may lead to a disastrous consequence in no distant future.

56. The drainage in Calcutta which is a mechanised system, is bound to suffer if in every case it has to depend on the precarious yearly revenue of the Corporation without a reserve for keeping the plants and machineries of that department in proper working order. It is very strange that the need for the creation of a depreciation fund was not realised so long. A beginning in that direction ought to be made forthwith in order that timely repairs to old and worn-out machines may not suffer for want of funds and that the danger of a sudden collapse, which the technical officers of the Corporation so much apprehend, may be averted. The Commission, from what they have seen generally, agrees that the apprehension is not unjustifiable.

57. While for want of funds this vital service like other essential services of the Corporation is suffering, it should be noted that all the money hitherto spent on account of Calcutta's drainage, especially in connection with Dr. Dey's Kulti Outfall Scheme, was not properly spent. Little regard was paid to agreements made by the contractors and payments out of all proportions to the tendered amount were made on the plea of extra work done and by alterations of the tendered rates. It was also customary with a particular firm of contractors to submit highly inflated bills raising disputes which used to be decided invariably in favour of the contractors entailing heavy expenditure outside the contracted sum, and sanctioned estimate for the work. In no case was any contractor penalised in terms of the agreement for non-fulfilment of the contract within the agreed time-limit, notwithstanding the penalty prescribed in the agreement and no matter how unconscionable was the

delay made by the contractors. In some cases the delay was deliberate as it created more work for them in the shape of preventing danger and damage arising out of dallying with the work in hand. A few instances have been discussed in the chapter on contracts. There is no doubt that steps should have been devised to stop the deplorable state of affairs disclosed in that chapter. It is regrettable that in spite of the Government being cognizant of this matter nothing was done to stop the evil which had become chronic. An idea can be had of the extent to which the actual cost exceeded the estimated cost of the different items of work of the Kulti Outfall Scheme from the statement below:—

Excess.	Rs.
(1) Service road from Bantola to Kulti	... 3,38,487
(2) Bridges	... 3,37,987
(3) Sedimentation tanks	... 1,25,966
(4) Flushing sluices	... 76,000
(5) Drainage sluices	... 1,10,600
(6) Staff quarters	... 56,000

58. The Commission have no hesitation in saying that a substantial part of the expenditure incurred in the execution of Dr. B. N. Dey's Internal Drainage and Outfall Schemes could have been saved, had proper control been exercised over the work of the contractors and the terms in the agreements with them adhered to. It was ridiculous that whenever any resolution was passed at a meeting either of the Committee or of the Corporation deciding to enforce the penalty provided in the agreement on account of default on the part of the contractors, it was followed by a motion brought in by another set of Councillors who succeeded in rescinding the former resolution. In open meetings charges were made that certain contractors were pets of the Corporation and were immune from any penalty, however grave their lapses might have been.

59. The way in which Dr. Dey made use of his position as arbitrator under clause 18 of the agreement in fixing fair rates thereby giving substantial increase over the tendered rates compelling the Corporation to sanction the heavy extra expenditure, makes it necessary for the Corporation to be reminded of the salutary principles laid down by Lord Atkinson in the famous Poplar Wage Case—Roberts *versus* Hopwood and others. Lord Atkinson pronounced:—

"A body charged with the administration for definite purposes of funds contributed, in whole or in part by persons other than the members of that body owes a duty to those latter persons to conduct that administration in a fairly business-like manner with reasonable care, and skill and caution and with a due and alert regard to the interest of those contributors who are not members of that body. Towards these latter persons the body stands somewhat in the position of trustees or managers of the property of others."

To make an act contrary to law it is not necessary that it should be prohibited by some legal enactment such as a statute, or bye-law or the like. Many things are contrary to law though not prohibited by any statute, e.g., the purchase by a trustee from his *cestui que* trust or part of the trust property, the purchase by an agent from his principal of the latter's property without full disclosure of who the purchaser really is, etc. If the business of the auditor was merely to vouch the payment of the money paid in discharge of items *ex facie* legal, the audit would afford no protection whatever against the squandering of public funds."

Management of Outfall Land.

60. The Commission found that whereas proper economy was not exercised in the expenditure of funds in connection with execution of the Internal and External Drainage Scheme of Dr. B. N. Dey, there was gross mismanagement of the property acquired by the Corporation, particularly in connection with the Kulti Outfall Scheme for which 4,938 bighas 14 cottahs 12 chhattaks of land was acquired at a cost of Rs. 7 lakhs. The surplus land, after absorption by this scheme, measuring 1,869 bighas 5 cottahs 12 chhattaks proved to be capable of extensive cultivation of paddy and winter crops and was being actually cultivated but the Corporation derived no income therefrom.

61. Similarly large fisheries owned by private persons were being benefited by Corporation sewage from the storm-water channel without paying a single pice to the Corporation in return, but when trouble arose in 1948 because of a petition by the local people to the District Magistrate, 24-Parganas, complaining of nuisance, some fishery owners of their own accord deposited certain fees so as to be able to make a foundation for a right. The Commission made detailed enquiries about these matters and their report is embodied in the chapter on "Corporation Property".

Outfall staff and other details.

62. The Outfall Engineer does not reside at Kulti, although staff quarters were built there, but works from the main office in the Corporation Buildings. This, in our opinion, is very unsatisfactory as the Outfall Engineer cannot efficiently supervise the work or exercise effective control over the subordinate staff under him, employed within the area of his charge if he is not personally present in the locality. We do not see any reason why the Kulti Outfall and the Internal Drainage of the city should not come under one unitary control under the Executive Engineer, Drainage. There might have been cogent reasons for placing the Kulti Outfall Scheme under an Outfall Engineer directly under the Chief Engineer (Dr. Dey) when the construction work was in progress, but there is no reason why the same arrangement should be allowed to continue even now when the remaining work can, in the opinion of the Commission, be easily completed and the system better maintained if the whole Drainage Department be placed under a qualified engineer, subject to the general supervision of the Chief Engineer like the other Engineering Departments of the Corporation.

63. The following staff work under the Outfall Engineer:—

For the New Outfall there is a Supervisor under whom there is one Overseer at Kulti, one at Brojerhat and the third at Bantola. Each of the three Overseers has a Sub-Overseer under him. There are 2 Work Sircars under the Overseer, Kulti, one each under the Overseer, Brojerhat, and Overseer, Bantola. There are 5 Gauge Readers under the Overseer, Kulti, 2 Gauge Readers under the Overseer, Bhojerhat, and 1 Gauge Reader under the Overseer, Bantola. There are 2 Brick-layers for Kulti, 2 for Bantola, 2 Sounding Khalasis for Kulti, 1 for Brojerhat and 1 for Bantola; 8 Chainmen for Kulti and Brojerhat each and 4 Chainmen for Bantola; 4 Coolies, 2 Tindals, 2 Leadsman, 1 Sweeper, 1 Dak-runner, and 2 Gurkha Guards for Kulti, 1 Dak-runner, 6 Coolies and 1 Gurkha Guards for Bhojerhat and 2 Dak-runners, 2 Coolies, 1 Leadsman and 1 Gurkha Guard for Bantola.

64. The Pruss Sedimentation Tanks are under the direct charge of a Manager under whom there are 15 Drivers, 1 Fitter, 2 Painters, 1 Carpenter and 25 Coolies.

65. One of the Sub-Overseers is only a Matriculate. One of the Work Sircars is also a Matriculate and another is a non-Matriculate. The 15 Drivers have no technical qualification, but are said to have "practical experience".

66. The Outfall Engineer complains that great difficulty is experienced in working the two sedimentation tanks which are said to be the largest of their kind in the world and are electrically-driven, as most of the men appointed as Engine Drivers, Assistant Drivers or Switchboard Assistants are novices. Similar complaints were received by the Commission from the heads of other technical departments, such as Motor Vehicles, Water Works, Electricity and Asphaltum Department.

67. It is dangerous to entrust unqualified men with the running of machines, as it is a drain on the finances of the Corporation to give non-technical men the pay of technical personnel. The Commission recommend that immediate action be taken to examine these questions, lay down the necessary tests for appointment to technical posts and subject the existing technical personnel of the various departments to a searching test in order that unqualified men may be sorted out and weeded.

68. A surprise inspection of the Maniktola Main Drainage Pumping Station disclosed misuse and misappropriation of stores and falsification of records to cover up the same. The matter was brought to the notice of the Administrative Officer and the Superintendent in charge of the station has been placed under suspension with charges drawn up against him. Detailed report in connection with the enquiry held is embodied in the Appendix XXXVIII.

69. Stores such as engine oil and coal worth lakhs of rupees are consumed at the pumping stations and the Commission observed that proper economy was not exercised in the use of such stores and no care was taken in keeping and submitting proper accounts of them. Rules laid down in the Accounts Code relating to annual stock-taking and audit of accounts by the Chief Accountant's staff are systematically disregarded and the audit in fact has become a mere fiction. This is a serious irregularity which must be remedied in order that Corporation funds may not be squandered away.

CHAPTER XV.

Lighting Department.

The streets of Calcutta are lighted by nearly 19,000 gas lamps, 9,000 electric lamps and 350 oil lamps. On some roads there are gas lamps on one side and electric lights on the other. Gas has been a much older method of lighting the streets of Calcutta and electric lights are comparatively new. Oil lamps are meant to light unimportant lanes and alleys inside *bustees*.

2. In 1938 the Corporation formed a Lighting Committee for considering the question of improving the street lighting of the city. In that Committee two experts, viz., Dr. P. N. Ghosh of the Calcutta University and Mr. W. H. Adcock of Messrs. G. E. C. (India), Ltd., were co-opted. After collecting information regarding the standard of street-lighting in some of the big cities as London, New York, Edinburgh, Bombay, Singapore and having tested the illumination at various points of a number of streets which represented different standards of lighting in Calcutta, the Committee made certain recommendations for improving the lighting of the main and side roads and furnished an estimate of cost of such improvement.

3. The War came in 1939 and during its continuance while obscuration was the rule, that report remained unattended to.

4. In February 1945 Government appointed a Committee to study the question of Calcutta's street-lighting with a view to its post-war improvement. Lamps and lamp-posts had sustained a good deal of damage during the years of blackout.

5. On fundamental questions as also in the matter of definite recommendations, the two Committees were generally in agreement. It was admitted on all hands that the existing condition and standard of street-lighting in Calcutta were poor and unsuited to modern requirements. Both the Committees considered for the purpose of making their recommendations that all the streets of Calcutta should be classified as—

- (i) Major Traffic routes,
- (ii) Minor Traffic routes, and
- (iii) Other roads.

The minimum standard of lighting according to the recommendations of the Government Committee was that the Major and Minor Traffic routes should be so lighted as to enable the driver of a motor vehicle to proceed with safety at 30 miles per hour without the use of head lights. While that Committee did not recommend outright replacement of the city's gas lights by electric lights, it advocated, as a first measure, the conversion of at least 6,000 gas lamps at important crossings of roads and bends by electric lights, the cost whereof, according to the estimate then submitted by the Calcutta Electric Supply Corporation, Ltd., was Rs. 3,58,478.

6. By far the largest number of street lamps consist of 3.5 c. ft. gas lamps, and the illumination from such a lamp is poorer than from a 75-watt electric lamp. The gas consumption charge for a 3.5 c. ft. gas lamp per year of approximately 40,000 hours is about Rs. 38, whereas the cost of electric consumption of a 75-watt light for the same period is approximately Rs. 18.8 only. 2,400 gross gas mantles are consumed for the gas lamps; or in other words, about 20 mantles are consumed per lamp per year. Rs. 69 is the approximate price per gross of gas mantles. Electric lamps on the other hand do not require to be renewed oftener than 4 times a year. The price of a dozen 100-watt electric lamps is Rs. 18 and of 60 and 75-watt lamps, the price varies between Rs. 14 and Rs. 16 per dozen. The outer glass panes of gas lamps are liable to more frequent damage necessitating replacement at heavy cost in the present market. Gas lamps involve heavier expenditure on account of a large labour staff required to be maintained for lighting and extinguishing lamps and cleansing them. The department maintains a labour staff for lighting work whose total strength is nearly 900 and by far the larger number of that staff is necessitated on account of gas lamps. In fact, nearly 750 men or more than 83 per cent. of the labour staff are engaged on account of gas lighting. While gas lamps are less effective for the purpose of illumination they are more expensive than electric lamps. The calculations below show a very substantial saving which will accrue annually if gas is replaced by electric lighting.

Gas ... On the basis of 3.5 c. ft. of gas consumed per hour and charged at Rs. 2.12-0 per one thousand c. ft., the annual cost amounts approximately to Rs. 38 per lamp.

Electricity ... For a 75-watt electric lamp consuming electricity at anna 1 per unit, annual charge works approximately to Rs. 18.8-0 per lamp.

∴ Difference (Rs. 38 - Rs. 18.8) = Rs. 19.8 per lamp.

By conversion of the total number of 19,000 gas lamps there would be a saving of

Rs. $19.8 \times 19,000 =$ Rs. 3,70,000 per year on account of the difference between the price of gas and electricity alone.

7. Taking the other factors of saving into account as referred to above, it will be a conservative estimate if the total annual gain is taken to be Rs. 24 per lamp, or $24 \times 19,000 =$ Rs. 4,56,000. It should be noted that the illumination from a gas lamp consuming 3.5 c. ft. gas per hour is only 70 C. P. whereas the corresponding illumination from a 75-watt electric lamp is about 115 C. P., i.e., more than 50 per cent. in excess. If for improving the lighting of the streets, illumination equal to that of a 75-watt electric light is to be obtained by gas, the consumption per hour will have to be greatly enhanced resulting in much heavier cost than at present. The corresponding gain by conversion to electricity would also be greater. The Maidan lighting which is done by gas under arrangement with the Public Works Department and which shows a fair standard of lighting, consumes about 2.5 c. ft. more gas per hour per lamp than the city lighting and that additional consumption of gas represents in terms of money Rs. 27.8 more per lamp per year.

8. The Budget for 1949-50 provides for the following expenditure for street lighting:—

	Rs.
(1) Establishment and Miscellaneous charges ..	4,56,600
(2) Maintenance and repairs of street lights, both gas and electric and stores ..	4,69,000
(3) Cost of lighting	8,28,000
Total ..	17,53,600

The following analysis of the figures will furnish important information:—

While stores for electric lamps are estimated to cost Rs. 75,000 only, an expenditure of Rs. 3 lakhs is provided for stores for gas lamps. The cost of street lighting by gas is estimated to be Rs. 6 lakhs against Rs. 1,75,000 on the same account for street lighting by electricity. The total cost of labour is Rs. 3,28,400 and, as already stated, 83 per cent. of it is on account of gas and 17 per cent. on account of electricity. The Budget provides for a sum of Rs. 8,000 only for erection of new electric lamps.

9. The requirements of the city as well as the ultimate financial consideration demand elimination of gas lights from Calcutta's streets and their replacement by electric lights. Improvement of the system of street lighting of a busy city like Calcutta for the safety of vehicular traffic as also for the sake of security of persons and property of the pedestrians is urgently called for and cannot be long delayed. A definite programme ought to be laid down with a time-limit fixed for the conversion of gas to electric lights.

Administration.

10. The Lighting Department is in charge of a Superintendent under the general control of the Chief Engineer. There are 4 supervisors, 14 inspectors, 13 sub-inspectors, 17 inspecting sirkars, 4 foreman mechanics, 1 leadman, besides an office establishment consisting of 1 head clerk, 16 clerks, 1 duftry, 1 jamadar, 7 office peons and orderlies, and 1 durwan under the Lighting Superintendent. He has a labour staff which consists of 893 men who are lighters, masons, coolies, mistries, wiremen, etc.

11. An inspection of the office of the Lighting Superintendent showed that in 1948-49 the total number of letters received was 3,210 and letters issued 5,650. Letters issued included acknowledgement of letters in printed cards, letters in printed form issued to contractors calling for tenders or work orders issued to them, information to the

Gas Company regarding damage to lamp-posts. Letters regarding the same subject-matter issued to different persons such as calling for a tender were entered as separate letters bearing different issue numbers. Reminders to the police for information regarding motor vehicles knocking down a lamp-post formed a large part of the correspondence of this office. The rest of the correspondence relates to claims for damage to lamp-posts and those with the Gas Company, Electric Supply Corporation, Ltd., the Port Commissioners regarding dock area lighting and the contractors regarding works entrusted to them. The correspondence is rarely of a complicated nature.

12. No distribution list is maintained in the office. The arrangement of work is as follows:—

- (i) Five clerks .. Dealing with service sheets of the labour and other staff and preparing bills, etc.
- (ii) Five clerks .. Designated as record clerks, 1 for each of the four districts and 1 for A and B class records and their consignment to the Central Record Room.
- (iii) Two typists
- (iv) Two correspondence clerks
- (v) One despatch clerk
- (vi) One store clerk.

By the standard adopted in Mr. Chapman's Report—so many letters per clerk, the number of clerks in this office appears to be excessive.

13. The lighters have nothing to do except lighting the lamps in the evening and extinguishing them early in the morning and perhaps sometimes cleansing them. They muster for Hazira immediately after the lights are extinguished. It means that they do not work for more than 2 hours daily, the rest of the day being open to them to spend in any way they like. It was found in 1948 that a number of lighters were drawing double pay from the Corporation as also double dearness allowance and subsidised ration as wholetime servants, both of the Lighting Department and of the office of the District Engineer III. In their explanation the men alleged that they were doing this for a long time and the fact was known to the Overseers and the Supervisors of the District Engineer. The Chief Executive Officer on 15th June 1948 ordered the lighters' pay to be disbursed from both the departments up to February 1948 after deducting the dearness allowance and the value of ration on account of one of the two departments, and directed their dismissal from the District Engineer's Department. This has a bearing on the Award of the Industrial Tribunal ratified by the West Bengal Government order No 2459Lab., dated the 21st July 1948. The Tribunal laid down, that though a permanent workman is bound to give 48 hours' work in the week, the employer cannot reduce the pay on account of the reduction of the working hours for some reason or the other. "He must give them the full week's wages where the fall from 48 hours is not due to any fault of the workmen." The Tribunal proceeded to say "Holding of double appointments in the Corporation should be discouraged. Duties of certain categories like gas lamp lighters who have light work at present,

should be revised so as to provide full time work for all classes of employees. In special cases holding of double appointments in the Corporation may be permitted, but in each such case there should be express sanction of the Chief Engineer who should report each such case to the Chief Executive Officer. When the holding of double appointments is permitted, the employee concerned should get only one dearness allowance though he will draw the basic pay for both the posts. Permission to hold wholetime outside appointments should not be granted and where it is found that wholetime employment under any other employer has been taken by a Corporation employee, the dismissal of that employee from the Corporation service should be the normal rule."

14. With the lighters raised to the status of wholetime workmen, it is the duty of the Corporation to obtain the normal output of work from them. We are definitely of opinion that there is no particular necessity of maintaining a separate Lighting Department. Work of that department can well be divided on zonal basis among the four District Engineers. In making this recommendation regarding the abolition of the department, we have taken into consideration not only the financial advantage of it, but also the question of administrative efficiency. From the financial point of view it may be noted that the establishment cost under the Gas Section as detailed at pages 211 to 214 of Appendix Z of the Budget (Establishment) of 1949-50 goes to the maintenance of the following labour staff under the different categories:—

- (a) 669 unskilled labour,
- (b) 220 skilled labour,
- (c) 3 brick-layers.

Taking an average of Rs. 60 as monthly cost of staff of each category, including dearness allowance, class (a) is responsible for an annual expenditure of approximately Rs. 4.82 lakhs, and that under the latter two categories nearly Rs. 1,60,000. Even if the cost of technical labour under classes (b) and (c) is neglected, the Corporation is spending Rs. 4.81 lakhs merely for lighting and extinguishing the lamps of the city, and this money goes to men who are virtually casual workers who put in many more hours of work elsewhere. The labour staff of the Lighting Department must excite the envy of and set a bad example to similar labour staff of other departments of the Corporation. Their work may conveniently be distributed to other labour staff working on the streets, such as for street-watering, patch repairing, etc., under the District Engineers, on some additional remuneration being given to them when found necessary. So far as the skilled labour is concerned, it should be possible to reduce their number by combining the miseries of Gas and Electrical categories. The following table gives a recent account of the cost of labour of the Lighting Department and shows how it is steadily increasing in spite of the fact that there has not been any substantial improvement in the illumination of the city. The rate-payers' burden must be lessened by the abolition of a department which is unable to secure the

money's value of work and the saving effected in that way should go to meet the cost of improving

the street lighting for which there is a crying demand.

Lighting (Labour).

Months.	1948.	Salary (gross).	Dearness allowance.	House allowance.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
April	20,981 10 0	17,272 0 0	1,248 0 0
May	21,769 3 0	17,536 10 0	1,238 2 0
Enhanced arrear dearness allowance for April and May.		{ 4,177 3 0 4,228 0 0	....
June	21,922 6 0	21,821 11 0	1,243 12 0
July	22,029 10 0	21,889 10 0	1,244 2 0
August	24,493 11 0	21,687 3 0	1,245 2 0
September	25,574 12 0	21,716 12 0	1,252 14 0
October	25,859 13 0	21,875 5 0	1,246 13 0
November	24,721 12 0	21,796 13 0	1,243 15 0
December	24,976 10 0	22,309 7 0	1,242 15 0
	1949.			
January	26,661 5 0	22,075 12 0	1,249 13 0
February	24,887 3 0	22,269 9 0	1,249 6 0
March	24,859 14 0	22,292 13 0	1,249 2 0
	Total	2,87,737 13 0	2,62,948 12 0	14,954 0 0

On the question of the abolition of the Lighting Department we took the opinion of the Chief Engineer, and he agreed that the District Engineers would be competent to manage the lighting work without difficulty. The Electrical Engineer and his staff will be able to render any technical assistance required by the District Engineers.

Electricity Department.

15. This is a small department which is concerned with generation of current for the Corporation's own consumption. The equipment consists of 2 Alternators, 1,000kw. and 1,500kw. installed at the Tallah and Palmer's Bridge Pumping Stations respectively. A 1,250kw. third Alternator is under installation at Palmer's Bridge Pumping Station. The turbine has already been erected. All these Alternators are driven by steam turbines. There are seven sub-stations, which are worked by current from these generating stations. In these sub-stations, transformers are installed for working motors and lights installed therein. The supply voltage is 6,600. It is stepped down to 400 volts to work the motors and to 230 volts for lights. One of the pumping sets at Mullick Ghat also used to be worked by 6,600 volts current supplied from the Tallah Generating Station. This, however, has since been discontinued and this pumping set is worked by current supplied by the Calcutta Electric Supply Corporation.

The sub-stations are located at (1) Palmer's Bridge Pumping Station, (2) Hogg Market, (3) Asphalt Department, (4) Entally Workshops, (5) Topsia Pumping Station, (6) Ballygunge Pumping Station, and (7) Bantola. These sub-stations supply current to motors and lights installed therein. Two high tension (6,600 volts). Pump Motors at Palmer's Bridge and one at Ballygunge Pumping Station are also worked at those stations by current supplied by the Corporation Generators.

In the Hogg Market there are two synchronous motor generators and one induction motor generator. Direct current is supplied from this station for lights and fans in the Corporation Buildings.

There is a total length of nearly 23 miles of underground cables for distribution purposes. This has been laid and is being maintained by this department.

The department is managed by an Electrical Engineer who has under him 1 Mechanical Assistant, 1 Electrical Inspector, 1 Inspector of Mains, 1 Estimator and 2 clerks in his office, besides menials. There are 3 Shift Engineers, 3 Switch Board Attendants, 1 Turbine Mechanic under the Mechanical Assistant, and 3 Shift Engineers, 3 Switch Board Attendants, 1 Electrical Mistry and

1 Assistant Electrical Mistry under the Electrical Inspector. Two Sub-Inspectors and 2 Cable Jointers work under the Mains Inspector and there are three Draftsmen who work under the Estimator. Besides, there are menials for outdoor and office work of the Electrical Engineer.

16. The estimated expenditure on account of this department, as provided in the Budget of 1949-50 is Rs. 4,04,300.

17. This department came into existence as a result of a dispute that arose some years ago between the Corporation and the Calcutta Electric Supply Corporation about some concessional rate for supply of electricity to the Corporation to which the Electric Supply Corporation did not agree. The Electricity Department of the Corporation can never be and should not, in our opinion, try to be a rival of the Calcutta Electric Supply Corporation. In the altered conditions of the country, we do not think it will be difficult to arrange with the company reasonable terms for supply of current to the Corporation Buildings and institutions, if necessary, through the mediation of the local Government. From the point of view of efficiency and economy, the supply of current in bulk to the Corporation by the Electric Supply Corporation should be advantageous on both sides. We should like to express it as our considered opinion that any proposal for the expansion of this department should be examined with the greatest care and scrutiny. The future policy of the Corporation should, in our opinion, be one of contraction rather than expansion of the department. The duties of the Electrical Engineer and those of the District Engineers should be properly co-ordinated under the direction of the Chief Engineer in order that in technical matters relating to electrical lighting the District Engineers will always have ready assistance from the Electricity Department.

Further in addition to the duties of the Electricity Department with reference to the maintenance and expansion of the electric lighting system of the city, its activities should also be directed to the maintenance of the electrical machineries installed in various pumping stations run by the Corporation. This is an important work in which the Chief Engineer should be actively assisted by the Electricity Department. As a matter of fact, this will be one of the main justifications for the existence of this Department.

If according to our suggestion the bulk of the work of the Electricity Department be made over to the Calcutta Electric Supply Corporation, the Electrical Engineer with his staff will be free to devote considerable time and energy to remodeling the electric lighting of the city which will gradually replace the existing gas lighting. The

schemes of lighting should be based on scientific principle. Proper illumination for different areas of the city according to the requirements should be studied and action taken to rectify all defective arrangements. Improved and up-to-date method for lighting and extinguishing lamps by remote control switches and other modern devices can be introduced reducing manual labour for this purpose to a minimum. These ought to be the proper function of the Electricity Department of the Corporation. The duplicate arrangement by which only a portion of the electric energy required by the Corporation is being handled by this department ought to be done away with for reasons already stated by us.

CHAPTER XVI.

Roads.

Early history.

1. The activities of the civic authorities from the early days of Calcutta up to the middle of the nineteenth century were mainly directed to the construction, maintenance and cleansing of roads. It has however been stated that "in the latter half of the 19th century, the expanding resources of the municipality were severely strained by the execution of the costly schemes of drainage and water-supply which insistently haunted the thoughts of the early administrators of the town," but it does not follow from this that the importance of the development of roads was considered less urgent or that the city was wanting in men of "far and ardent vision" to press the need for good roads on its unwilling attention. But the supreme effort required to give effect to any town-planning scheme, such as the one prepared by Lieut. Abercrombie, Superintendent of Roads and Conservancy (1836), was not forthcoming. "Sporadic improvements were made but the disjointed irregular pattern which the growing town had taken on was not undone and re-woven according to a plan." However by 1836, many of the wellknown streets of Calcutta, particularly of central and southern Calcutta, were opened up and several others widened and straightened. The wide survey of the Fever Hospital and Municipal Committee appointed by Lord Auckland in 1836, embraced the bold scheme of street improvement prepared by Lieut. Abercrombie, at its request, to make good "the deficiencies of the skeleton frame-work of communications" which the Lottery Funds had made possible. Streets, such as Beadon Street, Grey Street and Upper Strand Road in the nothern part of the city came later, while the other proposals were definitely given up in 1888-89 as the cost involved was beyond the resources of the municipality.

2. It should not, however, be concluded that the development of road systems came to a standstill. This could not have happened as the growth of the city could not be stopped. Considerable sums of money were spent to effect beneficial street improvements throughout the period up to the end of the 19th century. The works undertaken in connection with water-supply and drainage schemes resulted in the construction of suburban high level sewer road and in the conversion of many open drains and ditches into narrow side streets and lanes. In 1888, there were in the city of Calcutta 1811 miles of road of which 341 miles were narrow lanes as a result of the sewerage and filling in of open ditches. "Act II of 1888 which made an annual expenditure of Rs. 3 lakhs for suburban improvement obligatory on the Corporation was responsible for the construction of several fine roads which were driven at a comparatively small cost through neglected and insanitary areas." About Rs. 14 lakhs were spent on these schemes though in several instances some amounts were realised by the sale of surplus lands.

3. In 1902-03 several large road schemes were suspended by order of Government in view of the decision to form a Calcutta Improvement Trust with large revenues of its own to carry out a comprehensive Street Improvement Scheme.

4. It will be interesting to note that a regular system of metalling the roads of Calcutta was not introduced till 1820. Metalling used to be done with *khoas* or broken bricks and *jhamas*. Metalling with stones was introduced in about 1834-35. In later years the great expansion of trade in Calcutta severely tried the durability of road materials particularly in the commercial quarter and the Corporation from time to time made elaborate experiments to discover a suitable material to withstand the severe strain due to heavy traffic on the roads. The cart traffic used to be a serious problem in this respect in the past.

5. In 1910-11, some experiments were made by Messrs. Bird & Co., for macadam roads by using Indian Patent stone slags, but these did not prove very encouraging. A modification was tried by Mr. MacCabe, the then Chief Engineer, which gave better results and coal tar as a binder for macadam road was adopted with success. In the meantime asphalt was brought into use for the same purpose, and we understand from the Chief Engineer that Chowringhee Road was paved with asphalt in about 1916. Since then other roads have also been paved with asphalt.

Present position.

6. Even now roads of many types are in use in Calcutta. From century old narrow by-lanes paved with broken bricks to wide modern roads (up to 150 ft. wide) paved with coal tar, asphalt and even cement are all to be found in Calcutta. We understand there are now about 1,600 roads in the city including Cossipore and Maniktolla and their total length is about 400 miles. Besides the above there are 30 miles of roads, viz., Barrackpore Trunk Road, Canal Side Roads, Gun Foundry Road, roads in the Maidan and in Port areas. These are maintained by Government and Port authorities. The Calcutta Improvement Trust has just now about 12 miles of roads under construction which will ultimately vest in the Corporation. Portions of Calcutta roads over which tramway tracks are laid are maintained by the Calcutta Tramway Co. Most of the important roads are provided with footpaths which are paved with different kinds of materials, such as artificial stones, sandstones, asphalt and bricks. These footpaths are not infrequently disturbed for the purpose of laying electric cables, gas pipes, water-supply, etc. The parties concerned bear the cost of restoration. Not only the footpaths but even the road surfaces are disturbed for laying water pipes, etc. Cases are not rare when immediately after the surface of a road has been newly paved it is cut open for laying underground pipes, etc. This is perhaps a necessary evil in a growing city like Calcutta.

7. The Chief Engineer has supplied the Commission with a statement showing the total surfaces of different kinds of roads which the Corporation is required to maintain as a statutory obligation. This statement in a tabular form is reproduced below:—

Name of surface.	Present area. Sq. Yd. $\times 1000$.	Percentage to total area of road.
(1) Kutch road	11.0	.16
(2) Stone metalled	199.5	2.93
(3) Brick metalled	270.0	3.98
(4) Asphalt paved	3,457.0	50.86
(5) Asphalt painted	2,530.0	37.22
(6) Stone sett	241.7	3.55
(7) Re-inforced concrete	88.58	1.30

8. It has been explained to us that the maintenance does not only involve the restoration of

worn surface, but in many cases, particularly in Districts I, II and III, it involves the strengthening of the foundation as well. Many of the roads in those localities are nearly a century old and the original foundations are unable to meet the present demand of fast, heavy and concentrated traffic including heavily loaded, slow-moving iron tyred bullock carts. Proper maintenance of such roads not only needs the strengthening of the foundations but in many cases complete overhauling.

9. The proper maintenance and reconstruction of Calcutta roads have always been a major burden for the city's administrators. Though several fine roads have been opened up by the Calcutta Improvement Trust the task of maintaining these roads is a major concern of the Calcutta Corporation. Prior to World War II, the roads of Calcutta, though not of the best, were tolerably keeping pace with the requirements of modern traffic conditions. Though the traffic on the roads was on the increase their condition was not such that they could not be properly maintained by ordinary efforts.

But since the advent of World War II and particularly when Calcutta became an important base of operation of the war in the East, the roads of Calcutta were put to very severe strain. The heavy military traffic consisting of fast moving vehicles all over the main streets of Calcutta not only shattered the road surfaces of all kinds, but very severely strained even the foundations. Immediate relief was impossible as neither funds nor materials were available. And the moderate resources it had could not be effectively utilised as more than 66 per cent. of the Corporation road-rollers were requisitioned by the military, and the Government of India severely restricted the supply of road materials, such as tar, asphalt and cement. Only 33 per cent. of the Corporation's pre-war requirements of these articles were fixed as its quota.

10. In spite of the above difficulties, the main thoroughfares were maintained by the Corporation for military traffic as best as it could with the limited resources at its disposal.

11. It has been strongly represented to us that even after the war, no effective assistance was forthcoming from the Central Government to restore Calcutta's roads to their normal condition. From correspondence made available to us by the Engineering Department we find that the military authorities at first agreed to allot a sum of about Rs. 20,14,000 for this purpose, but later correspondence with the Provincial Government shows that this matter was considered afresh, and detailed particulars were asked for from the Corporation with regard to the maintenance cost of such roads as were used by the military during the war years. They wanted particularly the cost of maintenance of these roads for the period 1936 to 1939 (pre-war) as well as for the years 1945 and 1946 (post war). Finally the Government of India, Ministry of Transport, expressed through the local Government, their inability to meet the total expenditure for the reconstruction and maintenance as originally agreed to by the military authorities. They were prepared to grant to the Corporation only a portion of the cost of maintenance of those roads, which exceeds twice the cost of maintenance during the pre-war years. On a further calculation this amount worked out to only Rs. 1,70,000. This was totally inadequate to bring the damaged roads of Calcutta to their normal condition. The matter does not appear to have been settled even up to date and the Corporation has not received a single rupee to meet the cost of repairs to the roads damaged during the war. Surely the Corporation with its limited resources cannot be expected to make good the heavy damages to the city roads caused by the military lorries and other kinds of heavy vehicles.

12. The Commission would strongly recommend that the Government of West Bengal should again re-open the matter and approach the authorities concerned for a contribution of the amount which was originally agreed to for repairs to the city's roads damaged during the war when Calcutta functioned as a strategic key position and the military freely used its roads for their own purpose.

Asphalt plants and stone crushers for the manufacture of road metals, etc.

13. There are two asphalt mixing plants which work for eight months in a year. There are also five stone crushers which are utilised for producing stone chips as required.

14. On enquiry we are informed that the two mixing plants are capable of producing 67,200 batches (770 lbs.) of asphalt concrete mixture during the working period. This will cover 350,000 sq. yds. of road surface with 1 inch thick paving. Similarly the stone crushers have the capacity of crushing about 26,000 tons of stone ballast producing 650,000 c.ft. of stones of different sizes during the same period. In order to produce batches to the full capacity of the existing plants, the annual requirements of raw materials (working 8 months a year) will approximately be as follows:—

	Tons.
Stone ballast ..	14,500
Sand ..	6,500
Asphalt and tar ..	1,300

It is clear, therefore, that if the above quantities are not available, the machines will not work to their full capacity and loss to the Corporation will be the result.

15. The areas of road surfaces of various kinds to be maintained by the Corporation have already been mentioned in the table given above. The areas are continually increasing every year by the addition of new roads opened out by the Calcutta Improvement Trust and other development agencies and handed over to the Corporation after completion of their schemes.

16. To meet the demand of modern traffic, the kutchha roads have to be metalled as quickly as possible. All water bound macadam surfaces have also to be improved by asphalt covering and maintained as such. The asphalt painted roads have also to be further improved by providing asphalt paved surfaces. These will last longer and will require lesser attention than roads with only painted surfaces.

17. The Commission is convinced that for the maintenance of most of the road surfaces of Calcutta, an immediate increase in the supply of materials is absolutely necessary. The existing plants and machineries in the Asphalt Department will also either have to be replaced or reconditioned, as many of these have been in use for quite a number of years, and some of them have already been overhauled.

Present activities of the department.

18. Asphalt paving in the city was, as already mentioned, started in 1916. In pre-war days, about 7 to 8 miles of road were paved per year. The total mileage of roads so paved was about 170 miles in 1939-40. Since 1940-41, i.e., after the commencement of World War II, the progress dwindled down to about 2·5 miles per year on an average. The present mileage of asphalt paved roads in Calcutta is roughly about 200 miles. In other words, half the road lengths of the city are yet to be improved. In addition about 3 miles of new roads per year will have to be attended to as a result of the gradual transfer of roads from the Calcutta Improvement Trust and other bodies to the

Corporation. We have received a tabular statement from the Chief Engineer giving the output

of the Asphalt Department from 1936 to the year 1948. This table is reproduced below:—

Year.	Chips produced.	†Batches produced.	Tar and asphalt consumed by Asphalt Department.	
			C.ft.	Tons.
1936-37	464,364	55,723
1937-38	*610,077	69,436
1938-39	493,708	57,013
1939-40	533,224	50,822
1940-41	536,611	60,630
1941-42	416,325	47,143
1942-43	176,057	17,628
1943-44	201,606	19,400
1944-45	273,287	23,713
1945-46	304,659	27,617
1946-47	273,179	22,262
1947-48	300,433	15,974
				905

N.B.—*Represents maximum outturn of the plants worked nearly to their full capacity.

†Each batch, 770 lbs., covers approximately 5 sq. yds. of 1" pavement.

The figures in the above table show that during the war the annual output reached a minimum level of 17,628 batches only and even now the plants remain idle for more than half the scheduled period for want of materials. This seriously militates against the economic running of the plants, as the Corporation has to pay full overhead charges (except perhaps a portion of labour), even for a smaller outturn.

19. The future programme for the maintenance of roads of Calcutta may be dealt with, under two heads, viz., (1) a short term programme and (2) a long term programme. For the short term programme, there should be an uninterrupted supply of labour and materials to feed the existing plants to their full capacity and the long term programme should aim at gradual replacements of old machineries by new ones and steady acceleration of both labour and materials. It has been represented to us that an early target of about 20 miles of pavement ought to be reached within the next 5 years. We agree with this view and this is really necessary if a city of the importance of Calcutta is to be brought up to its proper requirements of road facilities.

Finance.

20. Expenditure under roads can be classified under the following items:—

- (1) Supervision and office.
- (2) Materials.
- (3) Labour.
- (4) Maintenance of machineries.
- (5) Maintenance of rollers.
- (6) Maintenance of transport lorries.
- (7) Purchase of new plants, rollers, lorries, etc.
- (8) Work done by outside agency.

Items 1, 4, 5 and 6.—Increase under these heads even for the long term target should not exceed Rs. 40,000 over the average annual current expenditure.

Item 2.—This is the most expensive item of expenditure and the Chief Engineer has calculated

that a substantial increase to the tune of Rs. 10 lakhs over the present provision will be required for the districts and the Asphalt Department, calculated at the present day cost. This figure also includes the cost of purchase of coal tar and asphalt.

Item 3.—It is similarly anticipated that the labour cost will go up by about Rs. 1·5 lakhs.

Item 7.—*Replacement of old machineries.*—It is difficult to calculate the exact requirements for this purpose. We have however been informed that an expenditure of Rs. 1·5 lakhs annually for the next 5 years will not be an excessive estimate specially as requirements of machineries for the Asphalt Department have been overlooked for a pretty long time. The Corporation officers insist that procurement of machineries for the Asphalt Department should be given a very high priority to avoid further deterioration.

Item 8.—The Commission has been informed that outside agency is generally necessary for preparing the beds of roads to receive the asphalt paving and that it is not possible to have this work done by departmental gangs who are all the time engaged in patch repairing work. Even under this head, an extra sum of Rs. 1 lakh has been considered necessary by the department, specially to make up the accumulated arrears of work left undone during war time. Though the above demands under the various items may perhaps be considered excessive, in reality it is not so. The Commission is inclined to recommend a liberal provision for improving the condition of the roads in Calcutta. In many localities of the city, the roads are really in a very bad state of repairs and energetic action is necessary to bring them into their normal condition. In the current year's budget provision under B. I. 51 (Roads) is Rs. 19·7 lakhs. This will go up to about Rs. 34 lakhs if the suggestions made above are given effect to.

21. It is interesting to note that with 10 per cent. lesser road mileage before the war, the expenditure under this head averaged Rs. 12 lakhs. Under the conditions prevailing at the present time, this amount is equivalent to nearly Rs. 48 lakhs.

22. For the purpose of compilation of figures of expenditure for road maintenance before and

after the war, we give below a table showing this expenditure from the year 1936-37 to 1947-48:—

Expenditure on road maintenance (before and after the war).

Year.	In lakhs of rupees.	Year.	In lakhs of rupees.
1936-37	.. 13.20	1942-43	.. 5.69
1937-38	.. 12.36	1943-44	.. 7.60
1938-39	.. 12.83	1944-45	.. 8.12
1939-40	.. 11.37	1945-46	.. 11.08
1940-41	.. 12.00	1946-47	.. 10.94
1941-42	.. 8.65	1947-48	.. 12.58

N.B.—The above includes the cost of labour, materials, tools and plants, transport and supervision, for maintaining roads of all descriptions including footpaths and sewer'd ditches.

From the above it will appear that the expenditure hitherto incurred in repairing Calcutta roads did not exceed 3 annas per sq. yd. With the provision of extra expenditure suggested above, this will probably increase to about 6 annas per sq. yd. We do not think this is an excessive expenditure but on the contrary we consider that a more liberal expenditure on repairs of roads in the city of Calcutta is justifiable.

Progress of road repairs from April 1948 to August 1949.

23. At our request, the Chief Engineer has submitted to us a list of roads, which were repaired from April 1948 to August 1949. We find that out of 1,600 roads in Calcutta, only 600 have been attended to during the above period. The list submitted by the Chief Engineer has been scrutinised by us and we find that in many cases efforts have been made to improve the condition of roads by patch repairs only. There is no doubt that the principal thoroughfares and bus routes received greater attention and the roads in the outlying areas could not be thoroughly overhauled; perhaps there was difficulty during the period in obtaining road materials due to wagon shortage. There was however no labour trouble. The Commission would suggest that more vigorous action should be taken by the Corporation to improve the condition of the roads all over the city. Some of the roads inspected by the Commission are certainly in a very deplorable state and no effort should be spared to carry out repairs to them as expeditiously as possible. Of the 600 roads mentioned above, the total area of surfaces attended to will not exceed 25 per cent. of the total road surface of the city. This is the estimate of the departmental officers. The Commission had no means of verifying the accuracy of this calculation, but judging from the general conditions of the roads, the figure does not represent more than the extent of work actually done.

Roads outside city limits.

24. Beyond the city limits the Corporation has to maintain one fairly long road, called the Kulti Road, from Point 'A' (Topsia) to the river Kulti, 22 miles away. This road was originally constructed by the Corporation in connection with the maintenance of the outfall channel. But since this road was constructed, the traffic began to increase rapidly and now exceeds the capacity for which the road was designed. To check the traffic the Corporation introduced the levy of a fee or toll in 1943, but this did not reduce the traffic. The road requires a good deal of maintenance, as it is metalled with *jhana khoa*. The fee or toll has since been substantially increased to meet the cost

of maintenance. This is the only pucca road in the locality within the district of 24-Parganas.

25. We learn the Government of West Bengal are considering a proposal for improving the road and making it suitable for all types of traffic. They have, we understand, provisionally agreed to contribute two-thirds of the cost of remodelling the road. The expected revenue from the road toll may not exceed Rs. 20,000 per year. The amount is not, however, sufficient for the maintenance of a 22-mile long road carrying fairly heavy traffic. As the Government will not contribute anything for the maintenance of the road, we think that the Corporation will have to spend a substantial amount which may even go up to Rs. 50,000 per year. The exact amount can however be estimated only when the detail regarding the type of road is settled.

26. There are two small bits of roads—one joining Jessore Road with the Bagjola Pumping Station and the other, known as Dhappa Road. These are also maintained by the Corporation. The first one is only a mile in length and is not of much importance except for inspection by the Corporation staff and supplying materials to the pumping station. The second one is also about a mile and half from the city limit and carries municipal carts and refuse lorries for dumping purposes. This road passes through marshy land and requires constant attention.

General remarks.

27. The Calcutta roads, as already mentioned, are of various types and different road metals are used for their construction and upkeep. All main roads of any importance should, in our opinion, be asphalt paved roads. They have better endurance capacity and are the most serviceable type of roads suitable for a large city. In any case, it is desirable that asphalt should be used as a binding material for all important thoroughfares in preference to tar which should only be used in roads and lanes carrying comparatively smaller traffic. For roads with heavy bullock cart and lorry traffic, stone sett paving may also be used to a greater extent than at present, particularly in the godown areas of the city, which are mostly located in Burrabazar area and Strand Road.

28. Roads constructed with re-inforced concrete are undoubtedly the best for a modern city, but they could only be constructed on surfaces which are not required to be frequently disturbed. As already mentioned, roads and footpaths in Calcutta suffer a great deal from the periodical disturbance of their surfaces. This perhaps cannot be avoided

29. A table showing the different types of roads and their mileages in Calcutta is given below for information. The road lengths have been divided

Table showing different types of roads and their mileages.

Type of road surface.	Length in miles.							Total.
	District I.	District II.	District III.	District IV.	Cossipore District I.	Maniktolla District II.		
(1) Kutch road	0.25	..	..	1	1.25	
(2) Water bound jhama (brick)	..	1.5	0.25	6	8	4.5	23.75	
(3) Water bound jhama (stone)	..	1	..	3.5	0.1	5	4	13.60
(4) Asphalt painted	..	20.5	6.6	33.6	61	6	16	143.70
(5) Asphalt paved	..	49	39.4	45	38	18	7	196.40
(6) Stone-sett	..	4	3.8	..	..	2.5	..	10.30
(7) Re-inforced concrete	..	2.9	..	0.12	..	..	..	3.02
								391.02

Misuse of footpaths and roadways in Calcutta.

Khatals.

30. The Commission has viewed with concern the misuse to which the footpaths and the roadways of the city have been put. It has visited several localities and the evil seems to be spreading all over the city.

31. Footpaths are provided for pedestrians, but they are often crowded with shops, selling fruits, vegetables and miscellaneous wares. Shopkeepers carry on their trade with perfect immunity and do not in the least care whether their action is legal or otherwise. It is also clear that the Corporation has no power to prevent such unlawful use of its land. They do not pay any fee to the Corporation for carrying on their business on Corporation land and yet the Corporation is unable to stop this unlawful practice. We understand that in this matter the Corporation has to take Police assistance, and we have reasons to believe that when such assistance is sought by the Corporation officers, the Police take no effective steps and the evil persists. Sometimes these persons are arrested by the Police and sent up for trial, but the punishment inflicted on them does not apparently produce any deterrent effect and they make their appearance the next day and carry on their business as usual.

32. The influx of a large number of people from East Bengal and other provinces into Calcutta has complicated the matter and many of these footpath shop-keepers are evacuees from those regions. Even when there is space in a market close by, these people are not inclined to move there as they want to avoid paying fees which they will be compelled to do if they occupy space in the market itself.

33. The Corporation is responsible for keeping footpaths and roadways in proper condition of repair. This is impossible if intruders occupy them unlawfully and even construct temporary structures on them. "Hawkers corners" have been built up in different parts of the city, but these have not brought about any substantial relief. In any case, the loss of legitimate revenue to the Corporation and damage to the thoroughfares of the city cannot be lightly dismissed and a solution of the trouble will have to be found in this case almost entirely by the efforts of the local Government.

34. In this matter the Corporation is entirely dependent on the police. Therefore unless the local Government takes this matter up seriously the evil will continue. The Commission is however conscious of the fact that the local Government has got a difficult problem to solve with regard to the disposal of the refugees, but when these evacuees carry on trade on their arrival in the city, they ought to be made to conform to lawful practice.

35. Another evil which appears to be no less serious than the above is the *khatals* (i.e. herds of cattle kept in groups either in the open or in miserably constructed sheds for the sale of milk).

according to the different districts through which a particular type of road passes.

Table showing different types of roads and their mileages.

Type of road surface.	District I.	District II.	District III.	District IV.	Cossipore District I.	Maniktolla District II.	Total.
(1) Kutch road	0.25	..	..	1	1.25
(2) Water bound jhama (brick)	..	1.5	0.25	6	8	4.5	23.75
(3) Water bound jhama (stone)	..	1	..	3.5	0.1	5	4
(4) Asphalt painted	..	20.5	6.6	33.6	61	6	16
(5) Asphalt paved	..	49	39.4	45	38	18	7
(6) Stone-sett	..	4	3.8	..	..	2.5	..
(7) Re-inforced concrete	..	2.9	..	0.12	..	..	3.02
							391.02

These *khatals* are owned mostly by up-country *goalas*. They obey no laws and defy by sundry devices the authority of the Police to say nothing of the directions and warnings of Corporation officials. They are scattered all over the city and encroach on wide footpaths and well-laid road surfaces. Open spaces even between well constructed houses in good localities are unceremoniously occupied by them. The owners probably realise rentals from the *goalas* in some cases and tolerate the nuisance. In many cases they are however powerless and quietly put up with the inconvenience. The Commission visited some of these *khatals* and made an effort to get them shifted to a suitable locality on the outskirts of the city. With this object we requested the Chief Engineer to arrange for a suitable land near Tiljala on the south-eastern part of the city and try, if possible, to remove some of the neighbouring *khatals* as an experimental measure. The Chief Engineer had a plot of Corporation land measuring about 16 bighas specially levelled up. Water taps were also provided and we understand he sought the help of the Deputy Commissioner of Police of the district concerned for the removal of some *khatals* from the Ballygunge area to this place. What ultimately happened to his efforts is not very clear, but the Commission was told that for one reason or other the scheme fell through. Either the *goalas* refused to move without proper shelters being built for them or the local residents who obtain their milk from *goalas* close at hand did not show any enthusiasm for their removal. The upshot of the whole thing is that the *khatals* continue to exist where they were with all their unhygienic conditions detrimental to public health. The *goalas* waste both filtered and unfiltered water from the public hydrants and ground stands for washing their cattle and for other purposes. It seems the Corporation is powerless to do anything in the matter. In some cases, notices are issued to owners to remove the nuisance where the *khatals* are situated on private lands alongside public streets, but even this does not achieve the desired results. In the Calcutta Corporation the process of law does not appear to be effective. This is true not only in this particular context, but also in other spheres of the Corporation activities. The Commission considers it of the utmost importance that these *khatals* which are really plague spots scattered among populated areas should be located in the outskirts of the city, and suitable arrangements made to house the cattle if the *goalas* cannot be made to do this themselves. Proper facilities for water-supply should be provided and a plan drawn up for the distribution of milk to different parts of the city from the localised areas where the cattle will be housed.

36. The Commission has heard that a scheme for building cattle-sheds on the pattern of the Bombay Municipality is under contemplation of the local Government. The locality selected is said to be at a place called Haringhatta near Kanchrapara, over 40 miles from the city. Milch cows have already been purchased and a certain quantity of milk is being obtained and disposed of locally. But this is perhaps the beginning of a long term

scheme which cannot immediately benefit the inhabitants of the city. What is urgently needed is to draw up a short term scheme for removing without delay the nuisance and unhealthy conditions in the city which are being caused by the *khatals*. This can only be done if energetic efforts are made to transfer these *khatals* from within the city to its outskirts as suggested above.

Administration.

37. The maintenance, construction and reconstruction of roads are in charge of District Engineers, who work in co-ordination with the Asphalt Department.

38. Patch repairs to roads, preparation of underbeds for new asphalt paved roads, stone setting and *jhama khoa* metalling are done entirely by the staff and labour employed by the District Engineers. All works involving the use of asphalt are divided equally between the District Engineers and Asphalt Department. Stone chips are supplied by the Asphalt Department, but stone metals are directly obtained by the District Engineers from the Stores Department. With regard to the asphalt pavement, new works are undertaken by the Asphalt Department. All asphalt mixtures are prepared and supplied by the Asphalt Department.

39. All works connected with the maintenance of construction of roads in Calcutta Corporation have necessarily to be performed by a dual agency. The preparation of the road metals with asphalt is a technical work which cannot be undertaken by District Engineers separately.

40. We find that the total labour staff employed by the Asphalt Department for the present, work out to 226 of which 155 work inside the plant and 77 as road gangs for outside work. The total number of labourers employed by all the four districts has been reported to be 420. The men work in gangs of about 10 men and are employed in different parts of the city. These men are supposed to work from 6 a.m. to 12 noon daily. In the opinion of the Commission they should be made to work at least 8 hours a day. It is doubtful whether the Corporation derives the fullest benefit from the services of these men. We have had a discussion on this matter with the Chief Engineer and he agrees with the view that the men should be made to work daily from 8 a.m. to 4 p.m. If they are fully employed on week days, they may be allowed Sundays off.

Details of Asphalt Department.

1. This department works a plant where stone chips and asphalt mixture are produced for Corporation works and occasionally for works of the Calcutta Improvement Trust. As already stated, Calcutta has approximately 400 miles of road of which 219 miles are either painted or paved with asphalt. Except only patch repairs which are done under the supervision of the District Engineers, this department is entrusted with the surfacing of roads which are treated with asphalt either originally or for repairs.

2. The machineries include two steam engines, one for crushing stones and the other for operating one asphalt mixing plant. Two stone crushers,

one mixing plant, one disintegrator and one for a Workshop are run by electric motors. An old coal tar spraying machine is lying out of use. There are in all two asphalt mixing plants and five stone crushers.

3. The Superintendent is assisted by one Supervisor, one Production Overseer, two Road Overseers, one Chargeman, one Engine Driver, one Store Clerk, one Factory Clerk, one Accounts Clerk, two Labour Establishment Clerks and one Time-Keeper. There is a laboratory which is looked after by the Supervisor.

4. The Organisation is divided into two sections, viz., (i) the Production Section and (ii) the Road Section. The Labour Staff is divided into two groups, viz., A. permanent group and B. semi-permanent group. The B. Group men are employed on the system of "no work no pay" during the period November to June.

5. The establishment cost budgeted for in 1948-49 was Rs. 32,400 as against the actual cost amounting to Rs. 20,821 in 1943-44.

6. Generally speaking, the work of the department is technical. The Corporation can get the best out of it only if the plants work full hours every day and the staff is efficient. For instance, it came to our notice that Sri H. Dhara who was a junior clerk in the department and had little experience and no technical qualification was suddenly appointed as Overseer on Rs. 100 per month in the grade of Rs. 100—150 (*vide* Resolution No. 91, dated the 29th December 1945, of Service Committee No. II). This appears to us to be strange.

It is also essential that the supply of raw materials should not be hampered if the department is to yield a proper economic return to the Corporation. The raw materials mainly required by the department are—

- (i) Stone ballast.
- (ii) Sand.
- (iii) Tar and asphalt.

The stone ballast, sand and tar are supplied through contractors and the coal supplied from Palmer Bazar Pumping Station where wagons loaded with stone ballast, sand and coal are weighed on the weighment bridge at the railway siding at Palmer Bridge.

7. The statements below relating to the last three years from 1946 to 1949 will give an approximate idea of the economics of the organisation. On the expenditure side of the statements is shown the quantity and value of raw materials received and the establishment charges paid under different accounts and on the income side is shown the quantity and value of the articles produced and the works done. It should be noted that only 20 per cent. of the dearness allowance and the cost of supplying ration at concessional rate has been taken into account on the expenditure side, this being the Corporation's share of expenditure on that head, 80 per cent of it being borne by Government. A proper account of the cost of production, however, should include the whole of the expenditure involved no matter what share of it is

paid by Government and what by the Corporation. The value of the products and the works is reckoned

at rates fixed by the Chief Engineer from year to year.

1946-47.

Expenditure.

Item No.	Description.	Quantity.	Amount. Rs. a. p.
1	Stone ballast	5,000 tons	50,000 0 0
2	Stone metal	74,218 c.ft.	31,171 0 0
3	Sand	2,677 tons	11,377 9 0
4	Road Tar (H. V. R. T. and M. V. R. T.)	803 "	1,25,719 0 0
5	Steam-coal	403 "	8,060 0 0
6	Electricity consumed and telephone charges, etc. .. .. ..	..	1,543 14 0
7	Miscellaneous stores .. .. .. .. ..	..	8,105 10 0
8	Establishment—Office and supervision .. .. .. .. ..	..	24,536 0 0
9	Labour—Factory and outdoor .. .. .. .. ..	..	39,006 8 0
10	20 per cent. dearness allowance and food concession .. .. .. .. ..	..	10,460 0 0
11	Entally Workshop charges for repairs to machinery .. .. .. .. ..	..	7,362 3 0
12	Other purchases made by the department .. .. .. .. ..	..	10,510 0 0
13	Steam-roller charges (1,062 days) .. .. .. .. ..	..	15,930 0 0
14	Lorry charges (9,486 trips) .. .. .. .. ..	..	47,430 0 0
		Total	3,91,211 3 0

1946-47.

Statement of Income.

1	Stone chip supplied to the districts	83,226 c.ft.	49,936 0 0
2	Mixture supplied to the districts	16,696 batches	1,35,655 0 0
3	Road work done by the Department— <i>(Repair Works.)</i>		
(a)	2" pavement	2,048 sq. yds.	9,472 0 0
(b)	1" pavement	11,931 "	35,793 0 0
(c)	Painting	1,04,300 "	1,10,818 12 0
(d)	Seal-coating	14,781 "	5,996 11 0
(e)	Painting	15,821 "	16,278 9 0
4	Works done at the cost of Calcutta Improvement Trust— 2" pavement	4,210 "	10,971 3 0
	1" pavement	5,375 "	16,351 12 0
5	Special Works— Repairs to roofs (leaky) of Corporation institution	1,220 "	2,408 13 0
		Total	4,02,081 12 0
		Less expenditure	3,91,211 3 0
		Balance in favour of the department	11,470 0 0

1947-48.

Expenditure.

1	Stone-ballast	5,168 tons	54,387 7 0
2	Stone-metal	2,72,469 c.ft.	40,300 2 0
3	Sand	2,401 tons	12,668 0 0
4	Road tar (H. V. R. T. and M. V. R. T.)	800 "	1,40,000 0 0
5	Asphaltum	105 "	13,850 0 0
6	Steam-coal	502 "	10,868 0 0
7	Electricity consumed and telephone charges, etc. .. .. ..	..	1,769 9 0
8	Miscellaneous stores .. .. .. .. ..	..	8,203 9 0
9	Establishment—Office and supervision .. .. .. .. ..	..	27,515 1 0
10	Labour—Factory and outdoor .. .. .. .. ..	..	49,272 14 0
11	20 per cent. dearness allowance and food concession .. .. ..	..	11,827 4 0
12	Entally Workshop charges for repairs to machinery .. .. ..	..	4,054 9 0
13	Other purchases made by the department .. .. .. .. ..	..	7,934 0 0
14	Steam-roller charges (1,644 days) .. .. .. .. ..	..	24,660 0 0
15	Lorry charges (7,571 trips) .. .. .. .. ..	..	37,855 0 0
		Total	4,44,765 7 0

1947-48.

Statement of Income.

Item No.	Description.	Quantity.	Amount.
			Rs. a. p.
1	Stone chip supplied to the districts	1,00,816 c. ft.	71,380 0 0
2	Mixture supplied to the districts	11,180 batches	97,825 0 0
3	Road work done by the department—		
	<i>Repairs.</i>		
(a)	2" pavement	4,678 sq. yds.	22,805 4 0
(b)	1" pavement	16,239 "	52,776 12 0
(c)	Painting	1,31,499 "	1,56,155 1 0
(d)	Seal-coating	57,230 "	25,038 2 0
	<i>New work.</i>		
(e)	Painting	31,097 "	33,040 9 0
4	Work done at the cost of Calcutta Improvement Trust 1" pavement	1,216 "	3,950 2 0
5	Special work—		
	Repairs to O.H. reservoir at Tallah Pumping Station, repairs to leaky roofs and passages of different Corporation institutions.	10,116 sq. yds.	26,265 0 0
	<i>Total</i>	.. .. .. ..	<u>4,89,235 14 0</u>
	<i>Less expenditure</i>	.. .. .. ..	<u>4,44,765 7 0</u>
	<i>Balance in favour of the department</i>	.. .. .. ..	<u>44,470 7 0</u>

1948-49.

Expenditure.

1	Stone ballast	2,842 tons	39,960 0 0
2	Stone chip for Calcutta Improvement trust	25,000 cft.	22,875 0 0
3	Stone metal	54,090 "	24,205 0 0
4	Slag boulders	1,028 tons	14,070 12 0
5	Sand	2,514 "	16,805 0 0
6	Road tar (H.V.R.T. and M.V.R.T.)	409 "	72,597 8 0
7	Asphaltum	356 "	58,690 0 0
8	Steam-coal	444 tons 12 cwt	10,225 13 0
9	Electricity consumed and telephone charges, etc.		1,388 8 0
10	Miscellaneous stores		13,577 6 0
11	Establishment—Office and supervision		31,631 4 0
12	Labour—Factory and outdoor		52,987 11 0
13	20 per cent. dearness allowance and food concession		12,047 2 0
14	Entally Workshop charges for repairs to machinery		2,874 9 0
15	Other purchases by the department		6,546 8 0
16	Steam-roller charges (1,712½ days)		25,891 4 0
17	Lorry charges (7,340 trips)		36,700 0 0
	<i>Total</i>	.. .. .. ..	<u>4,42,873 5 0</u>

1948-49.

Statement of Income.

1	Stone chip supplied to the districts	48,232 cft.	40,032 0 0
2	Mixture supplied to the districts	5,942 batches	62,762 6 0
3	Road work done by the department :		
(a)	2-inch pavement	2,128 sq. yds.	10,374 0 0
(b)	Painting	1,70,305 "	2,34,170 0 0
(c)	Seal-coating	1,19,726 "	63,604 0 0
4	Works done at the cost of Calcutta Improvement Trust—		
	2-inch pavement	13,548 "	99,639 0 0
	1-inch pavement	1,711 "	9,036 3 0
	<i>Special works.</i>		
	Repairs to leaky roofs, etc.		18,904 0 0
5	Slag chip supplied to the districts	3,290 c. ft.	2,566 0 0
	<i>Total</i>	.. .. .. ..	<u>5,41,177 9 0</u>
	<i>Less expenditure</i>	.. .. .. ..	<u>4,42,873 5 0</u>
	<i>Balance in favour of the department</i>	.. .. .. ..	<u>98,304 4 0</u>

8. The statements above do not take into account the capital charges due to plants, machineries and buildings and depreciation thereon; nor, as already mentioned, the whole of the expenses incurred on account of dearness allowance and supply of food-grains, etc., at subsidised rates. The value of articles produced has been put up year after year as the price of raw material went up. It is doubtful if the department is actually

19

working on any sound economic basis, however much its usefulness may be. That aspect of the organisation must engage the attention of the Corporation and it is worthwhile that there should be a proper cost accounting of the products and the works of this department. The usefulness of the laboratory is capable of being enhanced under a properly trained person. In the present condition proper advantage is not or cannot be taken of it.

CHAPTER XVII.

Motor Vehicles Department.

The Motor Vehicles Department of the Corporation at the Central Garage at 110, Lower Circular Road, was visited on 30th August 1949 Mr. S. N. Haldar, Special Officer, Motor Vehicles, was present during the visit. The Central Garage and the North Garage at Grey Street was again visited on 7th September 1949.

2. Some idea of the importance of the department may be had from the fact that the Budget for 1948-49 provides a sum of Rs. 11,24,300 to meet the establishment, maintenance, working charges, contingencies, etc., in addition to a lump sum of Rs. 1,66,000 for the purchase of more vehicles. The total Corporation fleet consists of 354 motor vehicles and the labour strength of the department numbers 1,059, excluding the supervisory and the clerical staff.

3. The fleet which is composed of 354 motor vehicles includes 16 ambulances, 13 office cars and 1 publicity van. Two hundred and seventy lorries have to be put on the road daily for carrying out essential services, e.g., conservancy and removal of night-soil and supply of filtered water. Nearly 10 lorries are required every day for use outside regular obligations, e.g., food supply, store supply, etc. During recent years lorries carrying food-grains have become a normal daily necessity. It is incumbent, therefore, that 280 lorries must be found every day in proper running condition, and

that there should be more vehicles as stand-by ready to take up duty in case of breakdown of a vehicle anywhere on the roads. Out of the total number of 354 vehicles, there were, on the date of inspection (30th August 1949), 284 vehicles in running condition and 70 lay disabled. Nineteen vehicles were under repair in the Workshop on the day and there was nothing doing about the other disabled vehicles. Eleven vehicles could not be repaired for want of parts to replace them and were lying in the Workshop for a long time, some of them from 1945.

4. The reason why out of as many as 70 vehicles which are out of order repairs of only 19 should be going on required investigation. The fact is that most of the disabled vehicles are past all possibility of being reconditioned. They are unnecessarily occupying space which can be ill-spared and deserve to be scrapped outright. What brought those vehicles to such condition is another matter which has been carefully looked into and about which this report does not leave anybody guessing.

5. The following is a list of services to which vehicles are normally apportioned. Stores, carcass, conservancy, silt-clearing, removal of night-soil, filtered water supply, inspection of ground hydrants, demonstration, tank-filling, ambulance (non-infectious), ambulance (infectious) and crematorium.

6. The following list furnishes the names of the supervising staff, the post which they hold, their qualifications and the pay they draw:—

Names.	Designation.	Qualifications.	Pay.
(1) Sri P. N. Bagchi	.. Superintendent	(1) I.Sc., Calcutta University, in 1926, L. E., Benares Hindu University in 1932. Technical experience. Served the Corporation of Calcutta under different Engineering Departments in the following capacities prior to joining Motor Vehicles Department as Superintendent on 3rd May 1947:— (1) Honorary Engineer, Electricity Department. (2) Electrical Estimator and Draughtsman. (3) Manager, Incinerator Plants, Goragachha. (4) Special Officer, A. R. P., on special duty to supervise Gas Plant fitting on Corporation vehicles at the Motor Vehicles Department. (5) Manager, Sedimentation Tanks. (6) Officer-in-charge of North Garage.	Rs. 400 in the grade of Rs. 400—20—500 plus Rs. 80 house allowance plus dearness allowance.
(2) Sri S. B. Chatterjee	.. Assistant Superintendent, Transport.	Read up to B.A. Standard. Completed 5 years' apprenticeship in Automobile Engineering in Arcadian Motor Car Co. and Anglo-American Motor Car Co., and worked for about 3 years as Manager and Engineer of the United Motor Works & Co., Ltd., Ranchi, before joining the department.	Rs. 350 in the grade of Rs. 350—450 plus dearness allowance.
(3) Sri N. C. Chatterjee	.. Acting Engineer-Foreman.	Read up to I.Sc. Standard. Passed Automobile Engineering Examination of the City & Guilds Institute (London). Practical training in Mechanical and Electrical Engineering under Messrs. Burn & Co., and City Engineering Co., Calcutta, and worked as an Engineer under the Commercial Transport Co., Shillong.	Rs. 320 in the grade of Rs. 160—300 plus Rs. 50 house allowance plus dearness allowance.
(4) S. D. Das	.. Works Foreman	Read up to I.Sc. Standard. Completed 5 years' apprenticeship course at the Entally Workshops, Corporation of Calcutta, and then served at the Maniktola P. S. and as outdoor Foreman in the Entally Workshop before joining this department.	Rs. 270 in the grade of Rs. 160—300 plus dearness allowance.
(5) K. M. Choudhury	.. Works Foreman	Completed Automobile Course at the Technical Training School of Royal Indian Air Force and served as a Ground Engineer there for 5 years, and lastly as a Motor Mechanic Inspector attached to an Engineering Institute under Government of India.	Rs. 160 in the grade of Rs. 160—300 plus dearness allowance.
(6) Mr. J. Abraham	.. Junior Foreman (under suspension).	Practical experience in Automobile Engineering under Messrs. Walford Transport, Ltd., for about 12 years before joining this department.	Rs. 195 in the grade of Rs. 150—250 plus dearness allowance.

Names.	Designation.	Qualifications.	Pay.
(7) Mr. A. Hakim	.. Garage Foreman (North)	Read up to B.Sc. Standard	.. Rs. 135 in the grade of Rs. 100—150 plus dearness allowance.
(8) Sri C. L. Mukherjee	.. Junior Foreman	Matriculate. Completed 5 years' apprenticeship course of the Entally Workshops, Corporation of Calcutta.	Rs. 165 in the grade of Rs. 150—250 plus dearness allowance.
(9) Sri S. K. Bose	.. Assistant Foreman	Matriculate. Prosecuted studies for one year at the Jadavpore College of Engineering and then completed course of theoretical and practical instructions in construction, operation and maintenance of standard makes of cars under Messrs. International Tyres & Motors, Ltd., and 6 months' instructional course in the maintenance and repair of Exide Batteries under Messrs. F. & C. Osler, Ltd., and worked as an Electrical Motor Driver in the Entally Workshops, Corporation of Calcutta, for about 8 years.	Rs. 113 in the grade of Rs. 110—200 plus dearness allowance.
(10) Sri R. C. Banerjee	.. Garage Foreman	Matriculate. Completed 5 years' apprenticeship course at the Entally Workshops and then worked in the various firms in Calcutta and lastly as Engineer-in-charge under Messrs. Refrigerators India, Ltd.	Rs. 135 in the grade of Rs. 100—150 plus house allowance of Rs. 30 plus dearness allowance.
(11) Sri S. Sen Gupta	.. Assistant Foreman	Read up to I.Sc. Standard. Completed a course of Automobile Engineering from F. M. C. Training School, apprenticeship for 4 years and a half in Indian Army Workshop at Kurki and Jabbalpore and then served for over 4 years in the Military Department.	Rs. 125 in the grade of Rs. 110—200 plus dearness allowance.

7. Even though their qualifications were given by the officers themselves, the list shows that in appointing them proper regard was not paid to academic qualification and training in Automobile Engineering. A Foreman sprang from the rank of a clerk or a lorry driver, because he had the backing of an influential Councillor or group of Councillors. As the Special Officer appointed by the Corporation pointed out 50 per cent. of ordinary labourers fill up the category of skilled labour. With incompetent men at the top as well as at the bottom, it is no wonder that the department would be mismanaged and the life of the vehicles would be short. A list is appended of technical personnel who have actually no technical qualification. They had just to be given a job and they got in regardless of the qualifications required for the post. The number of persons of doubtful usefulness at technical posts is 67 as per list enclosed (Appendix XI).

8. The Central Garage and the Workshop suffer from dearth of proper space. After all the vehicles return from services of the day, it becomes extremely difficult even to manipulate a vehicle not to speak of the condition of all the vehicles being examined and setting them right for the next day. Arrangement for cleansing and washing the vehicles after their return from work is as meagre as it is difficult. In the conditions, it is impossible to work to any system, and the vehicles are neglected jeopardizing their durability. The parking of the vehicles on the open yard subjecting them to the ravages of weather, day in and day out, takes away from their life. Apart from the old vehicles of obsolete type whose parts are not easily replaceable even the condition of newer ones has deteriorated prematurely. From the report of an expert, Mr. S. N. Haldar, Automobile Engineer of Jadavpore Engineering College, who recently inspected the conditions of the Corporation vehicles on being specially commissioned to do so, it appears that owing to the following causes even the new lorries are in a very unsatisfactory condition:—

- (1) Want of daily attention, viz., cleansing, washing, attending to minor troubles, etc.
- (2) Negligent driving and rough handling of the vehicles by untrained and inefficient drivers.
- (3) Absence of periodical examination of the vehicles and their overhauling, painting, etc.,

- (4) The difficulty of obtaining spare parts for vehicles of assorted makes such as Leyland, Ford, Chevrolet, G.M.C., International Dodge, Fargo, Austin and Plymouth.
- (5) Lack of care taken of tyres, under-inflation, misalignment and miscoupling.
- (6) Use of incorrect grade of lubricating oil and non-application of gear oils accelerated the deterioration of the engines.
- (7) The use of unfiltered water in the radiator causing extensive damage and failure of the cooling system.

These causes have operated in addition to the damaging effect due to exposure to weather conditions.

9. Mr. Haldar found that although "the machine shop is equipped with nearly all the types of machines for ensuring good and efficient work, some of them have their vital parts missing, thus rendering them useless for good work. The elevated ramp at each of the two garages where the acute angle construction of the approach is positively dangerous for negotiating vehicles is for that completely useless. The permanent jamming of the approaches to the Central Garage ramp is conclusive evidence of its being kept out of commission, presumably on account of its uselessness." The two ramps were inspected and Mr. Haldar's remarks were found to be correct. The department was created and the garages started when the Corporation had no more than 40 lorries. Both the department and the garage are unable to cope with the present requirements.

10. The administration of the department is inefficient. No estimate of cost is ever prepared prior to the taking up of the repair of a vehicle. There is no proper costing of the work. Distribution of work at the Workshop and supervision are unmethodical. The posting of labour is made in the books according to the report of the workmen without proper supervisory check. The rules in the Departmental Manual are seldom followed. The extent of mismanagement, the lack of any sense of responsibility and the utter absence of supervision will be evident from the list of parts missing from vehicles as furnished in the appended statement which we have taken from Mr. Haldar's report. It is amazing that no one was ever required to account for such heavy loss to the Corporation (Appendix XLI).

11. Drastic as our recommendations may appear to be, reorganised administration of the Corporation Motor Vehicles whose efficient running is of vital importance, demands first and foremost the abolition of the department itself and the distribution of the existing vehicles on zonal and service basis making the heads of such services responsible for their proper maintenance. The District Engineers have their gowkhana which are now lying practically empty. Decentralisation will readily relieve the congestion at the two garages where the vehicles are exposed to the ravages of weather, and where they cannot be properly looked after. This will ensure the maintenance of services in the event of strikes and major disturbances, floods and such other impediments. It will also minimise empty runs from and to the Central Garage with consequential waste of petrol. The Central Garage should remain as a Workshop or major repairs to disabled vehicles and for the building of bodies out of parts dismantled from completely worn out vehicles. The fleet must be rescued from the hands of unqualified men who pass for technicians.

12. The Workshop should have a really competent staff both supervising and labour, and by all means unqualified men who came through the back-door of nepotism must be got rid of.

CHAPTER XVIII.

Entally Workshop.

1. The site on which the Entally Workshop stands was purchased for Rs. 9,286 after the land and the structure of an older Workshop on the northern side of the Beliaghata Canal were sold out in 1864 to the Eastern Bengal State Railway for Rs. 28,000. The Workshop at Entally was thereafter constructed to do original and repair work for the different departments of the Municipality. Excepting during the World War II when orders from the Army were executed, no work is undertaken at this Workshop for other than municipal purposes.

2. The work of the Workshop can be divided into two principal heads—new manufacture and maintenance and repairs. The greater part of the work, however, relates to the two latter heads.

3. According to requirement the Workshop is grouped in the following way under one Foreman (Technical Expert) for each group. First group consists of machine shop, brass turning shop, fitting shop and tinsmith shop; second group, iron foundry, brass foundry and pattern shop; third group, boiler shop, welding shop, smith shop and road-roller shop; fourth group, loco shop and wagon shop; fifth group, carpenter shop, night-soil cart shed and electric shop; sixth group, outdoor works—repairs to machinery at pumping stations and water-supply to shipping.

4. All these six Foremen work under one Manager who is in-charge of the Workshops. To help the Manager the following offices have been provided with necessary staff:—

- (1) General Office.—For all correspondence with different departments of the Corporation and Boiler and Factory Inspectors' Offices. The office consists of one head clerk, two shop clerks, one record-keeper and one typist (vacant).
- (2) Account's Office.—Calculation of wages for the staff, costing of the materials and preparing transfer statements for the outturn and adjusting the money values. The office consists of one Accountant and five assistants. They work under one Chief Accountant.

- (3) Labour Office.—Maintenance of Service Sheets of Labour Staff, Leave Registers, Provident Fund of Labour staff, etc. This office consists of six labour clerks.
- (4) Estimating Section.—For preparing estimates and drawings of works carried in the Workshops. This consists of one mechanical draftsman, one assistant draftsman and one estimator.

5. There is no provision of any clerical staff for Foremen for posting the job cards. It is being done by literate labour staff, which is objectionable. Each Foreman should be provided with one compiler and one computor for posting labour hours, materials, outturn per day and material balances in the job cards.

6. The total monthly expenditure amounts to Rs. 68,368 on account of labour including dearness allowance, house allowance and subsidised ration, and Rs. 8,407 for other establishment including the supervising staff. At the monthly rate of expenses on account of staff, a year's expenses come to approximately 9 lakhs of rupees. The value of the total output of work—manufacture and repair—was estimated in 1946-47 (Riot Year) to be a little over 8 lakhs of rupees. The value of a work is computed by taking into account—

- (1) cost of materials used,
- (2) cost of labour employed,
- (3) 25 per cent. on the total cost of labour and materials for overhead charges including supervision.

The above is no indication of the actual value of works at market rates. On the contrary, the greater the overhaul expenditure, the higher is the value of the year's outturn, and this may lead to a sense of false complacency about the position of the Workshop as a financial proposition. The Manager's analysis of the labour strength in relation to their utilisation is as follows:—

(1) Roller staff working on the streets (on an average there are 33 rollers on the roads)	..	..	100
(2) Outside repair works	..	..	160
(3) Number inside the Workshop	..	..	750

The following figures taken at random show a week's employment of the labourers:—

	Outdoor.	Indoor.	Total.*
13-9-48	..	196	756
14-9-48	..	197	760
15-9-48	..	197	761
17-9-48	..	196	769
18-9-48	..	196	760
20-9-48	..	199	748
21-9-48	..	200	747
22-9-48	..	200	762

*This does not include the staff for the road rollers working in the district.

The statement above shows that the number of absentees every day far exceeded 120. This strengthens the suspicion that the labourers, particularly those who are technical men, are disposed to taking an off-day from the Workshop as frequently as they can in order to earn occasional higher wages outside.

7. The Manager admitted that it was not possible always to make a full utilisation of the labour strength and obtain the maximum output of work, precluding the possibility of idle hours. The Chief Engineer Sri D. N. Ganguli at the Budget Special Meeting on 11th March 1947 stated that this Workshop could not employ more than 800 labourers. The Chief Engineer probably made that statement from the point of view of space and the plants inside the Workshop. The more serious question to be considered must have its bearing on the cost of production. It is regrettable that no cost accounting is made of the

articles manufactured at the Workshop. In many instances it was found that a work was taken in hand without any estimate of the cost thereof. On 2nd August 1948 the Corporation sanctioned Rs. 2,168-10-9 for the purchase of buckets and the Stores Department purchased 1,000 G. I. buckets 10" x 22" each at Rs. 26 per dozen from the market. The Controller of Stores was asked why the Entally Workshop was not ordered to make the buckets. The reply was that the cost in that case would have been heavier. Idle or not fully utilised labour must lead to uneconomic production.

8. Iron goods were found lying on the open ground and were getting rusty for want of accommodation in a shed. It was difficult to say if the materials were new or second-hand. Proper care must be taken of such materials and their deterioration prevented.

9. In January 1944, the Manager made direct purchase of six pressure gauges reading 0—300 lbs. at Rs. 140 each with the sanction of the Chief Executive Officer. Prior to his making the purchase, the Manager had drawn up a requisition on the Stores Department for the supply of 0—200 lbs. gauges. The non-availability of pressure gauges of that description in the Stores provided the reason for the aforesaid purchase, but the curious fact about the matter was that 0—300 lbs. pressure gauges costing on an average only Rs. 8-12 each could be had from the Stores at the time. Had it not been on account of a wrong requisition from the Manager there would not have arisen any necessity for buying at a cost of Rs. 840 what could be had from the Stores where the cost thereof was only Rs. 52-8 as already paid by the Corporation.

10. Government in their order, dated 17th March 1945, directed the Corporation to remove all public dust-bins from the streets in Wards Nos. 15, 16, 17 and 21 and to notify the owners of the houses to keep in their house private dust-bins, the cubic contents of which should not exceed 6-5 cubic feet and that the Corporation should arrange to collect and remove the refuse from such dust-bins. The Manager, Entally Workshop, was ordered to manufacture 500 sanitary dust-bins of 4 cubic feet capacity and 800 of 2 cubic feet capacity to be sold to the public at Rs. 15 and Rs. 10 each, respectively. In 1945-46 the Manager, Entally Workshop, drew 1,843 G. I. sheets from the Stores for the manufacture of the 1,300 dust-bins and showed utilisation of the entire quantity of G. I. sheets.

11. Taking the size of the sheets 8' x 3' into account, the 1,300 dust-bins could have required 995 sheets leaving a balance of 848 sheets as surplus in his hands which were not returned by the Manager.

12. The two kinds of dust-bins, 1,300 in number in all, were manufactured at a total cost of Rs. 10,567-7-9.

13. The 500 dust-bins of 4 cubic feet size were not accepted by the Controller of Stores as the public refused to take them on account of their size which was unwieldy and because they were unworkable by the conservancy staff on account of their being "oversize" for the trap door of the lorries and because their shape and weight were such that they could not be handled by two men. The 500 dust-bins of 4 cubic feet capacity, the proportionate cost of which was Rs. 4,798-2, thus proved to be useless for the purpose for which they were made. It is a slur on whoever designed those dust-bins and on those who were responsible for their manufacture. And that was in addition to the disappearance of the surplus G. I. sheets. This cost the then Manager Sri G. P. Das his job. G. I. sheets drawn from the Stores should be accounted for in sheets and size also and not merely in weight as articles produced out of them are measured in their cubic contents and the standard weight is not maintained in most cases.

14. One thousand W. P. (Waste Preventing) taps were manufactured per Work Order No. 195 of 1945-46 at the request of the Controller of Stores for the Waterworks Department. The indent was originally for 2,000 taps, but the Workshop actually manufactured only 1,000 taps and of these, 969 were delivered in 1947-48 and 30 in 1948-49. The delay, from 1945-1949, in the delivery of the articles was due to the requisitioning department rejecting them on the ground of quantity and materials.

15. Four new spring hangers of Loco No. 11 were manufactured at the Workshop at a total cost of Rs. 97-8 or at Rs. 24-6 each (*vide* Work Order No. 407 of 1943-44). But the cost of repairing two more spring hangers of the same Loco amounted to Rs. 213 for one and Rs. 113-8 for the other. The Manager's explanation is that the repairing work involved additional labour for hoisting the engine. The case points out, if not anything else, the necessity for making an estimate prior to taking up a work. If that was done, nobody would have advised the Manager to repair the two spring hangers at all, instead of having two new ones.

16. *Vide* Work Order No. 257, dated 22nd November 1946, four night-soil tanks of 800 gallons capacity were made at an average cost of Rs. 947-10-11. But under Work Order No. 266, dated 28th November 1946, five night-soil tanks of the same capacity, viz., 800 gallons, were made at an average cost of Rs. 787-1-4. The tanks under the Work Order No. 257, dated 22nd November 1946, were delivered on 12th May 1947 and those under Work Order No. 266, dated 28th November 1946, were delivered on 25th August 1947. It is curious how the cost varied so widely in the two cases, though both of them were manufactured at about the same time. Evidently there is something very wrong in computing the cost of the articles manufactured at this Workshop. The Manager's explanation was that both the works were executed at the time of his predecessor-in-office Mr. G. P. Das and that connected papers were not available. He suggested that it might be that surplus materials from other works might have been utilised in the case in which the cost was comparatively less. This again shows that there is no proper accounting of surplus materials taken out for a particular work which, under the rules, must be returned at the end of the work and should not remain with the Manager for future use as he liked. It appears very necessary that there should be a proper costing of the goods manufactured at the Workshop in order that the Corporation may know what it really gets out of the Workshop.

17. The Manager is required to take up outside work, as for example repair of water vessels, major repairs of pumping stations, construction of bridges, etc. In such cases no records are maintained showing measurement of work done and materials used. Certificate of completion of any such work should furnish such information. Job card is maintained but they cannot be posted regularly for want of staff.

18. The Manager is empowered to do on his own authority a work the value of which does not exceed Rs. 100. In a large number of cases no estimates are made prior to the job being undertaken.

19. The cases cited in this report are typical, particularly the case relating to the repairing of the spring hangers. The Manager drew attention to another case typical of the opposite view. He stressed that generally repair works were of urgent nature required to be executed with expedition, that the preparation of an estimate entails time and sanction thereof far greater time. It is true that whenever any estimate required the sanction of the Committee much time had to be wasted.

CHAPTER XIX.

Bustee.

A *bustee* has been defined by the Calcutta Municipal Act as an area containing land occupied by, or for the purpose of, any collection of huts standing on a plot of land not less than 10 cottahs in area, and bearing one number in Assessment Book or standing on two or more plots which are adjacent to one another, and exceed in the aggregate one bigha in area. Everybody in Calcutta knows what a *bustee* is, but the definition was necessary because the Calcutta Municipal Act gives to the Corporation certain powers over *bustees*, and contains certain special provisions applicable to *bustees*.

2. The definition does not convey the kind of thing that a *bustee* is, but the picture given by the Royal Commission on Indian Labour is substantially correct. ".....houses are built close together, eave touching eave, and frequently back to back in order to make use of all the available space. Indeed space is so valuable that in place of streets and roads, narrow winding lanes provide the only approach to the houses. Neglect of sanitation is often evidenced by heaps of rotting garbage and pools of sewage, whilst the absence of latrines enhances the general pollution of air and soil. Houses, many without plinths, windows, and adequate ventilation, usually consist of a single room, the only opening being a door often too low to enter without stooping. In order to secure some privacy old kerosene tins and gunny bags are used to form screens which further restrict the entrance of light and air. In dwellings such as these human beings are born, sleep and eat, live and die." Later, the Labour Investigation Committee summed up the sanitary condition as follows: "There is no space nor sunshine between the buildings, and in the absence of adequate arrangements for sanitation, the home of the worker is apt to become a veritable death trap." ".....There is no proper provision for the separation of the sexes which, according to accepted civilised standard, is essential to decency."

and again in the same report:

"It may not be out of place to mention here that the rooms are hardly used for dwelling purposes alone. They usually serve the purposes of kitchen and store-room, and the inmates find it more convenient to sleep out in the open in fair weather. Ventilation in these tenements is highly unsatisfactory. The rooms are, as a rule, very poorly lighted owing to lack of windows, and even where any small apertures exist, they are usually closed by the inmates in their desire to secure privacy or to avoid imaginary evils of ventilation. Usually the size of a window or an opening in the wall is not more than 3 sq. ft. There is hardly any provision for kitchens. In 83 per cent. cases, kitchens are located in the bed-rooms. After an inspection of some of the *bustee* areas of the city in January 1945, His Excellency the Governor of Bengal was reported to have said, 'I have been horrified by what I have seen. Human beings cannot allow other human beings to continue to exist under these conditions'."

3. When this Commission was sitting, His Excellency the Governor of Bengal went out on a tour of inspection of the city accompanied by Chairman of this Commission and Mr. Ray, Administrative Officer, Corporation of Calcutta. A record of his impression will appear in Appendix XI. His Excellency entered into several *bustees* and acquainted himself with the living conditions there. The following is a short extract from the said records: "* * * * *The condition in one or two *bustees* which I saw very closely was appalling. The one near the vegetable market was particularly bad. There I

Even departmental sanctions were inordinately delayed at the Accounts office. The case to which the Manager drew attention related to the refitting of the armature of the motor generating set of the Hogg Market. The armature was repaired by an outside Electrical Contractor and the Manager received his order about refitting it on 30th January 1947. He asked for the Chief Engineer's permission to carry out the work in anticipation of sanction of the cost thereof. The Chief Engineer asked for a rough estimate and an estimate amounting to Rs. 1,018-1-7 was submitted on the date of inspection of the Workshop on 3rd June 1949. The Manager could not keep the job pending as in that case the newly-repaired armature might be damaged by exposure, not to speak of the consequence of the generating set not working till the preparation and sanction of an estimate. The long and short of the whole thing is that a vicious spiral was working which provided a cover for transgression of rules and in which ultimately the Corporation sustained loss. Articles 907 and 908 of the Accounts Code and paragraph 24, Chapter III of Section VI of the Engineering Manual, Volume I, lay down that all works, both new and repair, are to be taken up after estimates have been made and necessary sanction of the competent authority obtained except only in the case of repair works up to the value of Rs. 100, and repair of carts. The Chief Executive Officer is empowered to order repairs costing up to Rs. 1,000. The Manager ought to be able in most cases to make at least a rough estimate of the cost of a repair work and obtain an immediate order from the Chief Engineer on it. The decision as to which work is urgent and which not and whether it should be taken up before sanction of cost by the competent authority should rest with the Chief Engineer by a specific order and not with the Manager.

20. No ledger is maintained for stores drawn and used. The job card is supposed to furnish the necessary information regarding materials received and consumed in each case. Generally, the job cards do not show estimated materials for the work. The column is not filled in, nor is any day-to-day account of materials noted on the job cards. It becomes impossible to verify either at any time during the progress of the work or at the end of it the quantity of materials estimated to be required, the quantity actually drawn and utilised and the balance in hand. The Manager says that postings in the job cards are not possible for want of clerical assistance. He is averse to utilising technical staff on clerical work, his reasons being that the Workshop would be deprived to that extent of the benefit of service of such staff drawn out of the proper sphere of their duty and that it might lead to bickerings among the literate labour personnel, every one of whom would prefer to handle the pen rather than the tool. The Manager wants that there may be a clerk attached to a Foreman so that a day-to-day account of materials may be recorded on every job card.

21. A proper accounting of materials drawn for a work must be an essential feature of the management of the Workshop. In all conscience, the Workshop is overstaffed with labour. If two or three suitable men from the labour staff are specifically selected for correctly recording the job cards, it would not hamper the production but will be of distinct advantage to the Corporation. The Corporation cannot afford to forget the charge laid against Sri G. P. Das, the previous Manager, of his having misappropriated surplus stores out of the works and which became difficult to detect. Repetition of similar malpractice must be guarded against. In this connection, it should be noted that there are 12 watchmen whom it is wrong to reckon among the productive labour staff. They should be included in the general establishment and in the same way the two or three men who may be required to do the clerical work in maintaining accounts of materials drawn for the works.

found in absolutely rickety huts in a small single room tenement (size about 54 to 64 sq. ft.) families huddled together, sleeping, cooking, living and transacting other human business." * * * "Some of these *bustees* are not fit in their present state for human habitation, and deserve like all rotten roofs, to be simply pulled down and then rebuilt in accordance with a plan approved by the Corporation."

4. In 1945 His Excellency Mr. Cassey was so horrified by his visit to a few *bustees* in Calcutta that he passed an Act called Slum Improving Act, 1945, intended to improve the *bustees* in accordance with approved plans, but nothing has been done under the Act which is not in force. Raja B. N. Choudhury, a member of the Bustee Committee formed by His Excellency Mr. Cassey, deposed before us and said:

"I went to a *bustee* in Chetla where I found not a single dust-bin. There was no filtered water tap, and the passage was so narrow that the conservancy cart will not go inside, and as you know the Corporation Cleansing Gang visit the *bustees* once a month or once in two months."

This Commission visited several *bustees* in Calcutta. The conditions in these *bustees* are substantially the same, and a noticeable feature is that some refugees from East Bengal are living in these *bustees*, although most of them belong to a higher social order, unaccustomed to dirt and filth of a *bustee* in Calcutta. The Commission had before them the Interim Report on a sample inquiry ordered by Government into the living conditions in the *bustees* of Calcutta and Howrah, 1948-49. That sample survey gives more exact knowledge of the conditions in *bustees*, and from the figures emerges the fact that in the *bustees*, the supply of filtered water is scanty, bathing arrangement almost absent, and as to kitchens and latrines, taking as sample 1,522 huts in all the Wards, 16·5 per cent. only have kitchens, and the percentage of huts without latrine is 13·3.

5. All sorts of people live in these *bustees*, such as domestic servants, *khansamas*, washermen, seamen, small shop-keepers, peons, labourers, shoemakers, coolies, cooks, tailors, carpenters, fitters, masons, and the like, but want of living accommodation in Calcutta has driven some people into *bustees* whom one would not expect there, persons having an income of Rs. 100 per month or upwards.

6. We have given a picture of the *bustees*, and the magnitude of the problem with regard to them would appear from the fact that there are 4,371 *bustees* in Calcutta inhabited by more than 10 lakhs of people according to the estimates made by people who devoted time to the solution of the problem. The sample survey was about 10 per cent. of them. The owner of a *bustee* is a person who owns the land on which huts have come to be built. The huts belong to *ticca* tenants holding under the owner. Some of the *ticca* tenants dwell in the huts they own, but the hut-owners have let out also certain huts to *bharatias* who do not pay ground-rent but pay rent for the huts—quite a large proportion are such *bharatias*.

7. We may mention what powers exist and what attempts have been made, to improve the *bustees* in Calcutta. Chapter XXII of the Calcutta Municipal Act deals with *bustees*, and gives the Corporation power to define them and to improve them. It has the power to require the *bustee*-owners to carry out improvement in the *bustees* according to a standard plan approved after hearing the objections of the owner. If the procedure is likely to be dilatory, and the case is urgent, it may cause a plan to be prepared showing the

works to be immediately taken up, and the works which may be deferred. In either case the owner is to pay the cost and if he does not do so, the Corporation may carry out the improvement and recover the cost from the owner. Many such standard plans have been made, but few of them have been carried out, or fully carried out, and the *bustees*, generally speaking, remain as they were. Owners refusing or neglecting to carry out the improvement may be fined, but the fines imposed never exceed a few rupees which one would pay, and avoid a costly scheme; and a *bustee*-owner may under section 359 send a written notice to the Corporation saying that he intends to remove all the huts, and if the huts are removed, the land under the law cannot be deemed to be a *bustee*. This particular device may be defeated by reason of the *Ticca* Tenancy Act which has practically made it impossible for *bustee*-owners to evict the hut-owners at will, but leaving aside this device, the fact remains that the Corporation, despite its powers, failed to get the owners to improve the *bustees*, and of course had not the means to purchase or acquire the land so as to be able to construct model dwellings on its own land. Till now only 125 standard plans have been prepared. Of these, 34 have been sanctioned and 7 fully carried out.

8. In 1946 an estimate was made of the cost of constructing model houses for 15,852 people, and the figure including the cost of acquisition at prices considerably lower than the present prices was Rs. 1,73,00,000. If so, model houses for 10 lakhs of people would cost more than hundred crores of rupees. That is certainly beyond the means of the Corporation, and it is not possible for us to suggest that it should be paid out of the Provincial revenue.

9. We confess, we cannot suggest anything that could wipe out the *bustees* in a short time. It must come within a long-term plan providing for progressive improvement. Water-supply and drainage should at all events be taken up now. The former is well within the means of the Corporation and is not altogether deficient now, in fact, reasonably adequate in certain northern *bustees*, and the drainage in a sewered area should not be beyond the means of the Corporation, if it is gradually taken up and carried out. The passages running between and behind huts can be widened by the exercise of the existing powers, and the City Architect must exercise great caution in sanctioning plans of constructions on *ticca* tenancies. As to the unsewered area, the same remark will apply, except for drainage which may be improved without prohibitive cost to the level of surface drains everywhere. And the one thing that will immediately effect an improvement is adequate and daily scavenging. That is done by gangs of sweepers, but there is no reason why they should do it, as one witness says, once a month, and if the lanes running through *bustees* are sometimes too narrow for carts to get in, we should widen them, or compel the dwellers to bring out and throw the refuse at points accessible to hand-barrows.

10. All these might be called tinkering, but it will immediately secure a certain measure of sanitation hitherto postponed to ambitious schemes that could, and cannot materialise. The tinkering will also cost money, but owners of *bustee* might be prepared to pay the expense, and possibly the hut-owners too would contribute in view of the high house rents now prevailing, and of the security of tenure given to hut-owners by the *Ticca* Tenancy Act recently passed.

11. For a complete solution of the problem, a long-term plan, gradually but progressively carried out, would be necessary and that plan should steer clear of projects to acquire the valuable sites of the *bustees* in Calcutta and to construct model dwellings thereupon. A less costly and a better plan would be to acquire and

allot lands out of Calcutta to the present *bustee*-dwellers to settle upon, construction of houses being rigidly controlled with due regard to sanitation and ventilation; and to arrange for quick transport to Calcutta at cheap fares. Reserved tanks and tube-wells for supply of water and surface drains, such as we have in many country towns, ought to suffice. We venture to think that allotment of land as aforesaid and of the transport as aforesaid would lead to construction of sanitary *bustees* with regulated buildings. Those who would come to occupy them will pay ground or house rents just as they are doing now, and will, if there is occupancy-right, build a planned *bustee* or village with clean and dry houses and with a kitchen and privy attached to each. Model *bustees* of the kind hitherto proposed to be constructed by Government would cost an enormous sum which must come out of the Provincial revenues. That sort of project will, for want of funds, remain on paper. People can live decently in ordinary houses, even though *kutcha*, if these are dry and if the conditions are sanitary, such as there are in many large villages. We do not see why this is not borne in mind when ambitious schemes of model *bustees*, which do not materialise, are framed.

CHAPTER XX.

Establishment.

With his letter No. A/C-1693, dated the 13th December 1949, the Chief Accountant forwarded to us a statement showing the number of the employees of the Corporation, "department by department." The departments or offices marked with asterisks on the list are located in the Central Municipal Building. The list is as follows:—

Serial No.	Establishment.	Total No. of employees.
*1 Accounts	329	
*2 Assessment	345	
*3 Building	148	
4 Mohamedan burial ground	129	
*5 Collector	393	
6 Commercial Museum and Publicity	27	
*7 Drainage	68	
8 Drainage outfall	125	
9 Drainage sewer cleansing	339	
*10 Chief Engineer	56	
11 District Engineer for patch repairs	698	
12 District Restoration of Pavements	6	
13 District House Drainage	77	
14 House Drainage connection with municipal sewers	61	
15 Street cleansing	5,399	
16 Bustee cleansing	551	

District Engineers.

17 Dumping ground	28
18 Street watering	502
19 Garagatcha incinerator	38
20 Squares	258
21 Physical instruction	17
22 Removal of night soil	2,110
23 Sewer cleansing	507
24 Maintenance of sewers and surface drains ..	715
25 Municipal offices	113
26 Engineering and offices	239
27 Gowkhana	1,385
28 Municipal railway	270
*29 Health Officer	45
*30 Sale of spurious tea	4
31 Motor ambulance	55
32 Analytical	30

Serial No.	Establishment.	Total No. of employees.
	<i>Health Officer.</i>	
33 Milk laboratory	5	
34 Laboratory at Vaccine Institute	3	
35 Dispensaries	133	
36 Maternity and Child Welfare	234	
37 Pilgrims' Rest House	7	
38 Vaccine Institute	15	
39 Mosquito control	461	
40 Slaughter House	98	
41 Inspection of meat shops, etc.	6	
42 Dhabikhana	13	
43 District Health Office	266	
44 Disinfecting Station	4	
45 Vaccination and Registration	97	
46 Disposal of the dead (H. B. Ground)	24	
47 Burning ghat	19	
*48 Law Department	76	
*49 License Department	199	
*50 Disposal of unclaimed dogs .. .. ..	..
51 Cart registration	41	
52 Lighting Department	972	
53 Crematorium	4	
54 Topsia Crematorium	3	
*55 Electricity Department	13	
56 Generation of Electricity	69	
57 Generation of Cable Line	25	
58 Technical Education	1	
59 Motor vehicles	98	
60 Motor carcass lorry	21	
61 Motor car	14	
62 Motor stores lorry	45	
63 Conservancy lorry	926	
64 Silt lorry	48	
65 Street watering motor	32	
66 Filtered water supplying lorry	22	
67 Tank filling lorry .. .. ..	..
*68 Municipal Gazette	11	
69 Municipal Markets	487	
*70 Printing	127	
*71 Central Record Room	25	
*72 Secretary's Department (Mayor's Establishment)	4	
*73 Chief Executive Officer	7	
*74 Deputy Executive Officer, I	5	
*75 Secretaries	83	
*76 Deputy Executive Officer, II	7	
77 Stores Department	153	
78 Crushing machine staff	11	
*79 Surveyors' Department	53	
80 Bustee Section	34	
*81 Theatre Inspector	3	
82 Town Hall	12	
*83 Treasurers	60	
*84 Waterworks	796	
85 Ground hydrant	4	
86 Wasting of motor car, etc.	9	
87 Tube-well	10	
88 Maintenance of tube-wells taken over from Government	59	
89 Water-supply Pumping Stations	698	
90 Technical Education (Water-supply)	7	
91 Filtration of water	61	
92 Chlorination of water	30	
93 Drainage Pumping Station	326	
94 Technical Education (Drainage)	5	
95 Water-supply to shipping	83	
96 Workshop at Entally	42	
97 Education Department	49	
98 Free Primary Schools	1,964	
99 Teachers' Training School	19	
100 Main Drainage Extension Scheme (Internal Section)	41	
101 Main Drainage Extension Scheme (Outfall)	23	
102 Asphaltum Department	36	
103 Motor vehicles repairing workshop	147	
104 Asphaltum Department (12 months staff)	149	
105 Asphaltum Department (8 months staff)	271	
106 Workshop manufacturing section	1,066	
	Total	26,036

Establishments marked * against Serial Nos. are situated within the Central Municipal Office Building.

2. The total number is 26,036 and they fall into the following categories:—

(1) Labour Staff—				
Skilled .. .. ..	..	[3,054		
Unskilled .. .. ..	..	15,529		
(2) Clerical and Subordinate—				
Menials .. .. ..	..	2,520		
Other than menials .. .. ..	..	3,798+6		
(3) Supervision and Superior Supervision—				
Scale up to Rs. 300 .. .. ..	..	938		
Scale up to Rs. 500 .. .. ..	..	149		
Scale above Rs. 500 .. .. ..	..	42		

The superior supervision apparently includes:

- (1) Chief Executive Officer.
- (2) Deputy Executive Officers.
- (3) Chief Engineer.
- (4) Health Officer.
- (5) Chief Accountant.
- (6) City Architect.
- (7) Secretary.
- (8) Chief Law Officer.
- (9) Chief Valuer and Surveyor.
- (10) Education Officer.
- (11) Assessor.
- (12) Executive Engineer, Drainage.
- (13) Executive Engineer, Water Works.
- (14) License Officer.
- (15) Outfall Engineer.
- (16) District Engineers.
- (17) District Health Officers.
- (18) Treasurer.
- (19) Market Superintendents.
- (20) Asphaltum Engineer.
- (21) Lighting Superintendent.
- (22) Superintendent, Motor Vehicles.
- (23) Controller of Stores.
- (24) Manager, Entally Workshop.
- (25) Public Analyst.
- (26) Collector.
- (27) Superintendent of Printing.
- (28) Mosquito Controlling Officer.
- (29) Officer-in-charge, Commercial Museum and Publicity Department.

3. The figure in the Budget for 1949-50 for the estimated total remuneration payable to the entire staff, including dearness allowance and other allowances and contributions to the Provident Fund is Rs. 2,59,90,900 out of a total estimated revenue of Rs. 5,04,36,700 or 51·5 per cent. The ratio on the actuals will be ascertained in the chapter on Finance.

The officers and the servants of the Corporation are all appointed by the Corporation though certain appointments require Government approval. These are the appointments of Chief Executive Officer, Chief Engineer, Health Officer, Deputy Executive Officers. Under section 12 of the Calcutta Municipal Act, however, the Corporation may delegate to the Executive Officer such of its powers as it chooses to delegate and it may also delegate any of its functions, powers or duties to Standing Committees. The Chief Executive Officer, under section 52, shall be the principal Executive Officer of the Corporation, and all other officers and servants of the Corporation shall be subordinate to him. This provision, by itself, confers by implication no powers whatsoever on the Chief Executive Officer over his subordinates. Those powers would depend entirely upon what is delegated to him. We have looked at these powers and consider that they are not commensurate with his responsibility, in fact, utterly inadequate for that

purpose, so that it may be said that, practically speaking, he had no power to promote or punish his subordinates except those in the lowest ranks and if we are to place our finger on the one cause for slackness and indiscipline running through the departments, that cause is that the Chief Executive Officer was almost a puppet, all important powers to appoint, reduce, remove or reward municipal servants being in the two Services Committees whose powers we are going to describe below.

5. The delegated powers of the Chief Executive Officer were increased or decreased from time to time, and we think it necessary to set forth his powers in this behalf as they varied from time to time to suit the humour of the Corporation. We say humour because we could find no cogent reason.

6. Chief Executive Officer's powers regarding appointment, etc., from 1924 onwards:

1924 to 1930—

- (i) Power to appoint officers and servants to sanctioned posts of which the maximum pay did not exceed Rs. 350 per month.
- (ii) Power to fix the salary and allowance of officers and servants up to Rs. 350 per month within the sanctioned limits.
- (iii) Power to sanction temporary appointments up to Rs. 100 per month for 6 months.
- (iv) Power to grant leave to officers, etc., drawing a salary not exceeding Rs. 350 per month.

1931 to 1932—

- (i) Power to appoint officers and servants to sanctioned posts up to Rs. 50.
- (ii) Power to fill up by departmental promotion leave vacancies in posts the maximum salary of which did not exceed Rs. 350 for 2 months and to grant leave allowances, deputation allowances and acting allowances to officers drawing a maximum salary not exceeding Rs. 350.
- (iii) Power to fix salary and allowances within sanctioned limits to officers in posts carrying a maximum salary not exceeding Rs. 50 and to appoint them on any pay within the grade.
- (iv) Power to sanction temporary appointments up to Rs. 50 for 3 months.

1933 to 1937—

- (i) Power to appoint officers and servants up to Rs. 200.
- (ii) Power to (a) grant leave, leave allowance, etc., in posts the maximum salary of which did not exceed Rs. 350 and (b) to fill up by departmental promotion leave vacancies in posts carrying a maximum salary not exceeding Rs. 350 for 6 months.
- (iii) Power to fix salary and allowances within sanctioned limits of officers, etc., in posts the maximum salary of which did not exceed Rs. 200.
- (iv) Power to make temporary appointments up to Rs. 100 for 6 months.

1938-39—

4th May 1938.—No powers regarding appointments, etc. Powers given to the different standing Committees (Corporation 4th May 1938).

22nd November 1938.—Power to make appointments, etc., in posts carrying a maximum salary of Rs. 20.

1939 to 1940.—

- (i) Power to appoint officers and servants up to Rs. 200 (final) and up to Rs. 500 with Corporation sanction.
- (ii) Power to fill up by departmental promotion leave vacancies in posts carrying a maximum salary of Rs. 350.
- (iii) Power to make temporary appointments up to Rs. 100 for 6 months.

1940 to 1941—

- (i) Power to appoint officers and servants to sanctioned posts of which the maximum pay did not exceed Rs. 30 per month.
- (ii) Power to grant leave according to rules to officers and servants the maximum pay of whose posts did not exceed Rs. 30.
- (iii) Power to fix salaries and allowances of officers and servants whose maximum salary did not exceed Rs. 30.
- (iv) Power to reduce salaries and allowances of appointments the maximum salary of which did not exceed Rs. 30.
- (v) Power to punish and dismiss officers and servants drawing a pay up to Rs. 30 per month.
- (vi) Power to accept resignation of officers and servants whose pay did not exceed Rs. 30.

1941 to 1946—Same powers as above.

1947 to 1948—

- (i) Power to appoint officers and servants up to Rs. 200.
- (ii) Power to create temporary posts up to Rs. 200 for a period not exceeding 6 months.

7. It will be seen that from 1940-41 to 1941-46, in fact up to 19th September 1947 the Chief Executive Officer could not appoint or dismiss or otherwise punish anybody subordinate to him except the menials of the lowest class--those whose maximum salary did not exceed Rs. 30. He could take no disciplinary action even against a petty clerk, much less against a superior officer or a departmental head. As to the officers under him, even a departmental head could not punish anybody in his Department. In answer to our enquiry, the Chief Engineer said that he could not punish even a peon under him.

8. All powers in this behalf except over employees in Rs. 30 maximum grade, were from 1940-41 to 1946-47 in the Committees, i.e., power to appoint, prosecute and punish. Only as regards posts whose maximum pay exceeds Rs. 750 the Committee had only the power to recommend. It could recommend, for instance, for appointment as Chief Executive Officer or any other Statutory Officer, such as Chief Engineer, Health Officer, Chief Accountant, in fact every Departmental Head who was on a grade exceeding Rs. 750. Leaving aside these high officers above Rs. 750 grade, the entire patronage was in the hands of these Committees, and also all disciplinary powers. Its appointments were final, except when they involved supersession or where the appointments were of persons who did not possess the prescribed minimum qualifications.

9. It was open to the Chief Executive Officer to report his subordinates for neglect of duty, or other misconduct, to the Committees, but such reports few cared to make as, generally speaking, they led to nothing. An elective body good for deliberation, is not good for administration. Its members can be individually approached. Their sense of power is flattered by the ability to overrule the executive. The persons reported against might be a relation, or a protege of a Councillor. Those in actual touch with the working of a department can alone understand fitness for a job or

negligence in doing it. We have mentioned as an instance, the case of Aswini Chowdhury who was degraded for corruption found by the Chief Executive Officer, but was reinstated by the Committee. Another instance is the case of Sri Bimal C. Ghose who was Supervisor of the Water Works Department but was degraded to the post of Overseer by the Chief Executive Officer on 18th June 1945. He is still in service, the Service Committee "allowed him to continue as before" resolving that he should be given benefit of doubt.

10. The result was that there was slackness and indiscipline in every department, not limited to clerks or inferior officers alone. On a recent occasion a special Committee was gravely discussing how to secure punctual attendance of clerks, and the Chief Executive Officer joined in the discussion as though it was no reflection on him. It was, in fact, none, as he had no power to do anything. There were, and are, no duty cards assigning the duties of the clerks in an office. An Assistant Analyst at Palta was absent from July to October—admittedly during July and August—but was marked present in the Register, and the misconduct was detected by a Councillor, not by his superior officers on the spot.

11. There is no doubt whatever that this patronage was abused and appointments were often filled without regard to merit, and sometimes in disregard of the resolutions of the Corporation dated 13th February 1939 and 17th March 1943 laying down minimum qualifications for the posts. This practice nothing can explain except nepotism, and it had gone so far that on 31st March 1944 the Corporation passed a resolution that all appointments by the Committees in breach of these rules would be "null and void". Yet on 6th June 1945 the Chief Engineer was reported to have said at a Corporation meeting,

"The Chief Executive Officer is aware that candidates with no engineering qualifications whatsoever have been appointed by the Services Committee as Inspectors of Water Works Department and they are not at all helpful", and he put up a list of such inspectors. Appointing non-technical men to technical jobs was by no means uncommon. An interesting example was that of a teacher, Mr. Quashum, appointed a supervisor in the Lighting Department after his services in connection with the Electoral Roll. The Electoral Roll Officer was himself confirmed on 9th September 1947 as Deputy Assessor after superseding no less than five Sub-Assessors senior to him, but he was confirmed by the Corporation. The allegation that this was on account of services to sitting Councillors in connection with the abortive Electoral Roll has not been proved, but that his personal assistant, a man of the Education Department, was appointed Lighting Supervisor without any technical qualification looks odd.

12. Abuse of patronage and practical immunity from punishment explain the malpractices we have found almost everywhere. No notice was taken of neglect of duty generally speaking, and the attitude towards misconduct of every description in the inferior staff was one of great toleration.

13. It has been said that tradespeople require no inspection, for if they produce or sell inferior goods nobody will buy them. Salaried servants, particularly public servants, are secure of their income, and require constant inspection, except those of the highest ranks, as few get to those ranks without a certain character and education which ensure a sense of public duty and a determination to do it; and even in respect of these there is a responsibility to a higher authority, if things go wrong. The rest of the public servants, however, have to be watched and even driven, particularly if they are not selected on grounds of merit and character. In the City affairs, there is opportunity to most municipal servants for making money, and neglect of duty entails no disadvantage. In certain previous chapters we pointed out the

malpractices in various departments, not explicable by negligence or even gross negligence alone: assessment for consolidated rate deliberately and systematically low, and indulgence to the rich; building sanction delayed, and unauthorised buildings suffered to spring up and avoid assessment until the General Valuation; food inspection reduced to a mockery; forbearance of the bailiff to collect the Corporation dues, misappropriation of the profits of certain municipal lands by some of the staff, and the facts found in connection with the Stores and the Workshop. And of gross negligence, if not worse, the most striking instances were the lack of vigilance on works done under large contracts, the mismanagement of the markets, the volumes of arrears of the consolidated rate kept in the hands of the Collector and the Law Department, the way in which suits were managed in that department, the utter indifference to large demands that annually get barred by limitation.

We have not seen any evidence of inspection by the Chief or the Deputy Executive Officers, and at any directions given in course of such inspections, if these took place. The Chief Executive Officer had no power over the staff, and the members of the staff were kept to their work to the extent they did it by habit arising from routine, and not the routine of a complicated organisation kept going by the vigilant eye of an administrator who could be held responsible for the results. The various Committees, of course, were responsible, but nobody seems to have thought there was any responsibility, when, for instance, they allowed rents or rates to be barred by limitation.

The following passage from an English writer we might quote as the standard by which municipal officers are judged in England:

"The public expects from the local government officers a standard of integrity and conduct not only inflexible but fastidious. It is the duty of the service to see that the expectation is fulfilled."

We endeavoured to enquire into the truth of the allegation that in certain offices there was a superfluity of staff, but as there were no duty cards, this could not be ascertained by examining the work done by every clerk in every office. The Commission thinks that there should be a detailed inquiry by Departmental heads and the duty of each of the clerks or other employees in the subordinate ranks should be examined. Certain facts, however, came to our notice that showed the tendency to overlook superfluity. There are small facts, but they are not without significance. The Garagacha Incinerator, for instance, was closed in 1942. In 1944 the premises was requisitioned by the Military, and the Incinerator staff was absorbed into other departments, but in March 1947, the premises came into the possession of the Corporation, and thereafter a staff, costing Rs. 1,200 per month came to be maintained there, but the utility of that establishment is not clear. In connection with the food supply scheme, the staff sanctioned on the footing that 60,000 persons will be served by 30 shops continues, though actually 22,500 people were receiving the services from 17 full-time and 7 part-time shops. 42 clerks sanctioned for extra work in connection with the Provident Fund, because of the decision to extend its benefits to Labour, continues to be employed although the subscribers dwindled to 8000 by the end of January 1949, and the 42 assistants had been sanctioned on the basis that the number would be 20,000. In the Lighting Department, there is an army of labourers for lighting and extinguishing the gas lamps. One wonders what they do during the day. The Town Hall has been requisitioned by Government, but the full complement of the Corporation staff there continues. We draw no general conclusion from these facts, but we would recommend a detailed inquiry so that needless hands may be retrenched

CHAPTER XXI.

Primary Education.

1. Certain matters, once considered purely local, have become national concerns, and primary education is going to be one of them. A recent report (1949) of the School Education Committee appointed to consider and report upon the organisation, objective and curriculum of course of studies suitable for children in the primary stage and also for students in secondary stage contains the following passage:—

"Primary education has not flourished under the present system of District School Boards nor could such a vast responsibility be successfully undertaken by any agency other than the State. . . . Therefore the Committee recommend that the entire responsibility for primary education should be accepted by the State and it should be left free to set up whatever agency it deems necessary for the purpose."

The Committee add: "So far as the area under the Corporation of Calcutta is concerned, the question of responsibility of Government for primary education in that area should be left to Government to decide separately."

2. Universal free and compulsory primary education for all boys and girls of a certain age in India must be a national concern, as has been recently declared, whatever the agency by which this object is achieved, and it would be, we take it, the responsibility of West Bengal Government, as far as this Province is concerned, and it would be open to it to employ whatever agency it chooses to discharge that responsibility.

3. It will, therefore, have to be considered whether for Calcutta the Corporation should be utilised as such agent, and provided with funds necessary for the purpose.

4. The Corporation of Calcutta has some experience in primary education work. Under the Calcutta Municipal Act it is bound to spend at least one lakh of rupees on such education, but it has been spending between eleven and fifteen lakhs, and the latest budget provision is Rs. 18,69,800.

The result of the undertaking is:—

1947.

(1) Number of free primary schools kept by the Corporation—218.

Number of pupils attending—34,000 (approx.)

(2) Number of other schools giving primary education and receiving aid from Corporation—700.

Number of pupils receiving such education—40,000 (approx.)

5. The Education Officer of the Corporation gives the following figures for Corporation Free Schools:—

			Schools.	Pupils.
1925-26	..	..	89	10,308
1930-31	..	..	214	26,560
1935-36	..	..	232	32,856
1940-41	..	..	234	36,741
1945-46	..	..	234	31,261

6. A feature of interest is that on 14th November 1934 was introduced in Ward No. IX compulsory free primary education for all boys between six and ten, in accordance with the provisions laid down in Bengal Act IV of 1919. The results till

now are, according to the figures supplied by the Education Officer, these:—

	1949.	1945.
Total number of boys of compulsory school age ..	3,709	4,298
Total number of boys at school ..	3,525	3,546
Not at school ..	184	752
	<u>3,709</u>	<u>4,298</u>

The boys of compulsory school age in Ward IX received their education in Corporation Schools, and also in other schools.

7. The obvious comment is that the figures seem odd. In 1941 the population of Ward IX was 1,36,875. In 1949 it must be considerably more. Yet boys of compulsory school age aggregate 3,709 according to the figures.

8. The present population of Calcutta at the lowest estimate is, say, 30 lakhs. That means approximately 3 lakhs of boys and girls of compulsory school-going age. The Corporation Schools, as they are, are quite inadequate for the purpose, even if they did their utmost, which they are not doing. The Education Officer himself has pointed out his difficulties. The schools are held in hired houses, most of them, and as the landlords were in many cases Councillors and their houses had to be preferred, they have been located and distributed in a haphazard manner, and are generally in a state of disrepair. The Education Officer says 100 schools, properly distributed, will suffice for 35,000 children now taught in 268 schools. He has no disciplinary powers, and can only make recommendations. He cannot select his teachers, and has to be content with what is given. He cannot punish, grant leave, or transfer. He cannot purchase necessary equipment. That is to say, he has responsibility and no powers, a situation in which the Corporation were apt to place its officers, not knowing that from an officer, so placed, effective administration cannot be expected.

9. All that we need say is that in any scheme for universal compulsory education of children Corporation may well be utilised by the Government as its agent for the performance of what task may be assigned to it for such education in Calcutta, and the cost may be partially thrown on the rates with due regard to the other services which the Corporation render to the city.

CHAPTER XXII.

Conservancy.

1. The Commission has obtained an account of the conservancy system of the city from the Chief Engineer which gives full particulars of this important branch of the activities of the Corporation. The Commission has dealt with this subject more or less on the facts and figures supplied by the Chief Engineer.

2. Conservancy of the city of Calcutta primarily consists of the following:—

- (I) (1) Collection of refuse and its removal together with street watering;
- (2) Removal of night-soil from service privies;
- (3) Removal of carcass; and
- (4) Removal of silt.
- (II) Transport of all these things to the grounds of disposal.
- (III) Disposal.

(I) (1) The annexed chart (Annexure A) will show the total number of men employed for street cleansing, *bustee* cleansing, maintenance of dumping grounds, street watering, incinerators, removal of night-soil, municipal railways, motor vehicles, disposal of garbage, etc. The sewer cleansing

staff under the Drainage and District Engineer's Departments have not been shown as they are maintained under the Engineering Section of the District Engineers and the Executive Engineer, Drainage.

3. Whole day conservancy is not done in the city, it is done only in the morning and in the afternoon. Under section 372(2), (3) and (4) the prohibited hours for throwing refuse in the street is between 8 a.m. in the morning to 1 p.m. in the afternoon and again from 3 p.m. in the afternoon to 9 p.m. at night, i.e., dumping hours allowed for bringing out garbage from individual houses to city bins are between 1 p.m. and 8 a.m. on the following day and between 1 p.m. and 3 p.m. in the afternoon. These prohibited hours are seldom enforced and the residents are mostly in the habit of bringing out garbage at all times of the day and deposit the same in front of their houses.

4. The section provides that (1) if no dustbin is provided within 50 yards from the entrance to any premises, the occupiers are free to deposit garbage in front of their premises, (2) nobody is allowed to bring out rubbish within the prohibited hours as stated above, (3) occupiers of premises are allowed to bring rubbish and throw it into the dust-bins if they are provided within 50 yards from the entrance to their houses except within prohibited hours, and (4) if no dust-bins are provided within 50 yards of any premises, the occupiers thereof can deposit rubbish on the street in front of their respective premises. In this connection the Commission has studied the corresponding sections of the Bombay Municipal Act and recommends that the section of the Calcutta Municipal Act should be amended giving powers to the Corporation to prohibit any person from throwing any rubbish or offensive matter on the streets and the provision of the amended section should be strictly enforced. Otherwise whole day conservancy will have to be restored to keep the city clean which is impossible and impracticable in consideration of the high rise in the prices of all goods and the high cost of labour.

5. With a view to minimise the cost of labour, the Corporation should seriously consider the practicability of gradually introducing mechanical street sweepers and collectors, mechanical gully-pit cleansers tipping lorries with winches and cranes and other mechanical devices for the collection of the garbage of the city. It has been brought to our notice that there is considerable slackness in the mustering of conservancy labour staff, specially in the afternoons. This mustering has to be rigidly enforced if the requirements of conservancy of the city have to be met with the present strength and arrangements of the labour staff.

6. It is necessary to construct transfer stations with covered sheds and with necessary washing arrangements at convenient places to avoid the unsightly dust-bins on the streets. One such station will, we understand, be shortly constructed at Mir Bahar Ghat Street near Rajah Katra.

7. It will be a great improvement if the conservancy system be fully mechanised and the gowkhana abolished. This will only be possible after all the service privies have been converted into connected ones.

(II) For disposal of garbage the requirements are as follows:—

- (a) Adequate space for dumping grounds where garbage could be dumped.
- (b) Rolling stocks, such as Locomotives, wagons, etc.
- (c) Permanent Way.

At present there appears to be a shortage under all these heads. With regard to (a) the space at Dhappa Square Mile Area where dumping operation has been going on since 1865, has very

little more room left for disposal of refuse. From 1879 the unloading operation at Dhappa Square Mile is being carried on by contractor Babu Bhava Nath Sen and his successors. Under a term of the present contract for use of the Dhappa Square Mile, the contractors are under an obligation to unload up to 115 wagons daily. If more wagons are sent, they are paid extra for unloading the extra wagons. The present system is reported to be working satisfactorily so far as the unloading portion is concerned.

8. Anticipating serious shortage of space at Dhappa, Government, so far back as 1921, sanctioned a loan of Rs. 5,32,879 for further acquisition of land at Dhappa. The loan was actually raised for Rs. 2,71,790 and some land was acquired and a revised cost for acquisition of 650 bighas of land was made. But the remaining portion of the loan could not be raised as the loan-raising capacity of the Corporation was exhausted. Unless something is done in this direction city's garbage disposal will come to a standstill in the near future.

9. There is yet another difficulty. Garbage was so long unloaded by the tipping process, but due to the rise of the level of the area owing to garbage accumulation for a long period, it is being found very difficult to unload garbage now with the help of the tipping process. Further, coolies are reluctant to empty baskets as head loads. The tipping process is only possible now up to a height of 3 feet within a width of 25 feet on either side of the permanent way.

10. Last year, to obviate the difficulty, a bulldozer was employed to remove the high dumps of garbage to low lying areas, and to level up the space to allow the tipping process for unloading purposes.

11. There is, we understand, a proposal for reclamation of the Northern Salt Lake Area where Government have got about 4,000 bighas of land. If this land is available, the railway line may perhaps be extended up to Northern Salt Lake Area, where, at a low cost, reclamation of land by garbage dumping may be possible. The Commission has not considered the details of this proposal. It ought to be the concern of an Expert Committee. We think this problem ought to be dealt with by the Committee already considering the drainage problem of "Greater Calcutta".

12. The Chief Engineer estimates the cost for extension of the railway line, purchase of wagons, building of bridges, etc., to be about Rs. 21 lakhs approximately. These works will not only help the Corporation, but a vast area of unhealthy marshy land round about Calcutta will be reclaimed by raising the level of the land by garbage dumping.

Regarding (b) we are informed that the stock of wagons is 312 only, out of which about 190 are now in commission. Attempts are being made to

repair the rest of the wagons, but as usual shortage of funds is said to be retarding the progress of the work.

13. For the daily disposal of garbage, 174 lorries, of which a few are of 5-ton capacity and 12 trailers (excluding silt lorries and night-soil lorries), are utilised. Taking into consideration that each of these lorries is loaded in excess by one ton, and taking also into consideration that each lorry makes four trips per day, the total garbage removed daily varies from 2,500 to 2,800 tons including seasonal fluctuations. Even if the calculation is based on 2,500 tons of garbage per day, it will require at least 200 wagons of 10-ton capacity if they are loaded 30 per cent. in excess. Having regard to the time usually taken for unloading the wagons, and the return of the empties to the platform, it is clear that a larger number of wagons will be necessary. The Chief Engineer calculates that at least 500 wagons are required for this work.

14. So far as locomotives are concerned, there are only eight locomotives out of which four or five are generally in commission at a time, the others are always under repairs. These locomotives are extremely old, all of them being older than 40 years, and ought to have been replaced by new ones a long while ago. They require constant repairs every year. Four or five years back things had come to such a pass that three locomotives had to be hired from the East Indian Railway and North-Western Railway with a hiring charge of Rs. 75 per day per locomotive. Enormous hiring charges had to be paid for the locomotives. The old locomotives were, however, reconditioned with the special efforts of the present Chief Engineer and the hired locomotives were returned.

Coming now to item (c) the Corporation railway is about 18·6 miles long. Due to shortage of rails, dog-spikes, etc., during the last 10 years, the permanent way has deteriorated considerably. Some funds having been provided in the last and previous years' budget for the purchase of rails and dog-spikes, some supply has been received, and the permanent way is reported to have been improved to some extent. It is said that about 25 per cent. improvement has already been made.

15. We find that owing to shortage of space in the Dhappa area, local dumping in areas round about Calcutta is frequently restored to. This is not a happy state of affairs and may have a serious repercussion on the health of the city. The disposal of garbage should once for all be put in regular order.

16. According to the report of the department three new locomotives are now urgently necessary —two for Dhappa and one for the Refuse Platform.

17. Special arrangement for washing the wagons at Dhappa end is also desirable.

ANNEXURE A.

Labour Staff. Clerical and Subordinate Supervision.

	Skilled.	Unskilled.	Menials.	Other than menials.	Scale up to Rs. 300.	Superior up to Rs. 500.
(1) Street cleansing	11	4,971	353	1	58
(2) Bustee cleansing	505	39	..	7
(3) Dumping ground	15	12	..	1	..
(4) Street watering	502	..	..	..
(5) Goragacha incinerator	11	17	6	..	..
(6) Removal of night-soil	2,034	75	1	2
(7) Cowkhana	23	1,336	17	7	..
(8) Municipal Railway	45	184	16	9	1
(9) Motor vehicles carcass lorry	17	..	..	..
(10) Motor vehicles conservancy lorry	689	..	237	..
(11) Motor vehicles street watering	20	..	12	..
Total ..	105	10,287	506	273	84	5

Removal of the refuse platform from Chingrighata to Dhappa.

1. This matter, arising out of a train of events, has been vexing the Corporation for a long time. It provides another instance of not doing the right thing at the right time and eventually landing the Corporation in an awkward situation involving serious loss of money.

2. Certain residents of Chingrighata filed a suit in the High Court in 1927 for a perpetual injunction to restrain the Corporation from erecting the Refuse Platform at Chingrighata which was then under construction. On the 10th August 1928, a consent decree was made in which the Corporation undertook to construct a covered shed over the platform within a year. This simple promise was not fulfilled and it led to undertakings of a larger nature. On the failure of the Corporation to construct the covered shed over the platform, the High Court altered the decree of the 10th August 1928 by another order passed on the 27th November 1929 by which the Corporation agreed to construct *pucca* walls 30 feet high on the north and south of the platform and to complete the roofing within one year from 1st October 1929, and, in default, to pay damage at the rate of Rs. 100 per diem till the completion of the same. This too was not complied with and in the case for executing the decree, there was a prayer for an order on the Corporation to stop the use of the platform and for the recovery of Rs. 1,79,100 as damages. A fresh settlement was arrived at between the parties in terms of which the Corporation undertook to shift the Refuse Platform to at least 4,300 feet away from the eastern extremity of the existing platform at Chingrighata within five years of the High Court's order passed on the 5th May 1937 which was a compromise decree. In terms of that settlement, the Corporation bound itself either to get the new platform ready and put to use by the 4th May 1942, or, in default, to pay damages at the rate of Rs. 100 per diem.

3. It is needless to say that the Refuse Platform is still at the site at which it existed in 1927. On the 25th May 1939, the Works Committee passed a resolution recommending Corporation's sanction of Rs. 3,11,860 for the removal of the Refuse Platform from Chingrighata to Dhappa. That amount was estimated by the Chief Engineer under the following heads:—

	Rs.
(1) For construction of the platform, roads, and ccooly quarters	... 2,06,860
(2) For purchase of 35 more lorries at Rs. 3,000 each for the increased load	... 1,05,000
Total	... 3,11,860

The matter came up before the Corporation Meeting, dated the 14th June 1939, at which objection was taken that the estimate was no more than a lump figure and furnished no details. The matter was referred back to the Works Committee for calling for a detailed estimate.

4. On the 15th November 1940, the Corporation approved the scheme for the transfer of the Refuse Platform from Chingrighata to Dhappa, estimated to cost Rs. 3,49,360, and directed (1) that Government sanction under section 14 of the Act be obtained; (2) that part of the scheme which related to the construction of the new Refuse Platform at Dhappa, ccooly lines, roads and acquisition of land be taken up immediately on receipt of Government sanction; and (3) that pending Government sanction the Finance Committee should consider the ways and means of providing the necessary funds.

5. Government was moved in letter No. 3476, dated the 26th November 1940, for necessary sanction and the Works Committee on 21st March

1941 approved the specifications and draft advertisement calling for tender for the above-mentioned works. Sanction of the Government to the scheme and the estimate was obtained on the 2nd April 1941, subject to the condition that the site for the platform should be 200 feet further to the east.

6. On the 13th August 1941, the tenders of Messrs. Dutt & Co., Ltd., for the construction of the new platform and of Mr. H. N. Roy for construction of ccooly lines were accepted by the Corporation. On the 13th January 1942, the tender of Messrs. Dutt & Co., Ltd., for construction of the approach roads was accepted.

7. The war came nearer home in 1942. This had a direct hit on this matter. Under the High Court order of the 5th May 1937, the Corporation was bound to remove the Refuse Platform from Chingrighata by the 4th May 1942. The war, in 1942, created difficulties in obtaining building materials for civil works and the climax was reached when bricks which the contractors Messrs. Dutt & Co., Ltd., were allowed to manufacture at the site were commandeered by the Government for military requirements. To many the war presented no sable cloud without the silver lining. The dead line of the 4th May 1942 set by the High Court was staved off because of the war. The Corporation succeeded in obtaining an order from the Government under rule 78 of the Defence of India Rules which, in the way of countering the High Court decree for the time being, directed, on the 8th December 1942, that the Corporation was to maintain and use the Refuse Platform in Chingrighata for the duration of the war and six months thereafter. The accepted tenders were cancelled.

8. After the termination of the war and the expiry of the period of the order under the Defence of India Rules, the plaintiff of the High Court suit girded up his loins once more and the Corporation revised its estimate of cost of shifting the platform in the light of the current prices. The estimate in 1946 amounted to Rs. 7,92,100 as against the previous estimate of Rs. 3,11,860 of 1939.

9. On 25th June 1946 the Works Committee approved of the estimate of Rs. 7,92,000 and recommended its acceptance by the Corporation and further recommended that Government be approached for a ways and means advance of Rs. 7,35,000 for this work, to be repaid as soon as the next loan for the project be raised.

10. On 24th July 1946, the Corporation confirmed the recommendations of the Works Committee. A loan of Rs. 7,92,000 for the project was sanctioned by Government. Fresh tenders were invited on 15th November 1946, but none was received. Further invitation for tenders did not also receive favourable response. In his note, dated the 8th June 1948, the Chief Engineer stated that tenders were called for for the fifth time since 1946, all in vain, and he assigned the reason for dearth of tenders to the more resourceful contractors being attracted by Government projects and those with smaller resources being scared away by the fear of their capital remaining entangled for a long time and their not getting payments on account regularly from the Corporation. The Chief Engineer, Sri D. N. Ganguli, speaking from his knowledge of the method and financial position of the Corporation presented a gloomy picture while dealing with this subject. His advice was that instead of worrying about acting according to the Corporation's undertaking in this respect, the amount of Rs. 7,92,000 which the Corporation obtained in loan from the Government for this purpose should be directed to other works of more pressing importance and that so far as the shifting of the Refuse Platform is concerned, a fresh attempt at compromise should be made when the opposite party takes steps to

enforce the High Court decree. Another suggestion, and that from the Chief Law Officer, is that Government may be approached to enact a law legalising the maintenance and use of the Refuse Platform at the existing site.

11. On the 26th July 1948, the Administrative Officer held a discussion with the Solicitors of the decree-holders and decided to hold further discussion with them. On the 11th August 1948, the Solicitors notified that their clients were not agreeable to delay any further the carrying into effect of the decree and on the 13th August 1948, an ultimatum came that "unless the decree is complied with within a week from date hereof our instructions are peremptory to take steps without further reference".

12. One does not know what chance there is of a fresh compromise to the advantage of the Corporation after all that has happened. One would suppose that legislation against a compromise decree of the High Court is hardly to be expected. The damages awarded by the decree and the duty to carry out the works imposed by the decree will compel the Corporation to pay a large sum in damages and to undertake a work of ruinous financial implications; much in excess of even the revised estimate of near about 8 lakhs of rupees would now be required; and all those not redeeming a small promise made in 1928 or in 1929 relating to certain petty constructions. The whole case is an instance of incompetence and lack of foresight or interest in the discharge of the Corporation's duty towards the rate-payers and of utter indifference to public funds entrusted to it by the statute.

CHAPTER XXIII.

Accounts.

1. The accounts of the Corporation of Calcutta are prepared and the audit thereof conducted in the Accounts Department. The Chief Accountant and Manager, Provident Fund, who is a member of the "Superior Supervision" staff, is the head of the department. In running the department, he is assisted by three officers, viz., the Deputy Chief Accountant, the Accountant and the Assistant Manager, Provident Fund, who all belong to the "Supervision" staff. The department is divided into ten sections, each of which consists of several members of the clerical and subordinate staff and is in direct charge of a Head Assistant.

Besides the above, there are 6 Audit Inspectors, 4 Stock-verifiers, 1 Stenographer, 24 Leave Reserve Assistants, 5 Typists, 1 Sorter and 3 Record Suppliers. In addition, there are 38 assistants working in the outlying offices, who all pertain to the Accounts Department.

On an examination of the working of the department, very serious defects and irregularities including failure to take proper steps for the recovery of revenues and irregular expenditure were noticed. These have been embodied in the following paragraph in which suggestions have also been made for remedying the defects and irregularities and improving the finances and administration of the Corporation as far as possible.

2. *Accounts Code.*—It may be mentioned at the outset that the Accounts Code of the Corporation of Calcutta was last revised in February 1919. It was stated in the third paragraph of the preface to that edition that the appendices containing many additions and valuable information and forms would be included in a second volume, but that volume never saw the light of day.

3. Under statutory rules the annual accounts of the Corporation of Calcutta are due to be completed not later than the first day of October in the next financial year.

Annual accounts.—The actual dates of completion of the annual accounts since 1941-42 were as follows:—

1941-42 ..	26th September 1942.
1942-43 ..	28th September 1943.
1943-44 ..	22nd September 1944.
1944-45 ..	1st October 1945.
1945-46 ..	14th March 1947.
1946-47 ..	28th September 1948.
1947-48 ..	30th August 1949.

Monthly accounts.—The monthly accounts of the Corporation are due to be completed not later than the 22nd day of the succeeding month. The actual dates of completion of the monthly accounts during 1948-49 were as follows:—

Monthly accounts for—

April 1948 ..	4th October 1948.
May 1948 ..	29th October 1948.
June 1948 ..	29th October 1948.
July 1948 ..	29th October 1948.
August 1948 ..	30th November 1948.
September 1948 ..	15th December 1948.
October 1948 ..	30th December 1948.
November 1948 ..	10th January 1949.
December 1948 ..	2nd February 1949.
January 1949 ..	25th February 1949.
February 1949 ..	5th April 1949.

It will thus be noticed that since 1945-46 the completion of the annual accounts has been seriously delayed. There has also been considerable delay in the completion of the monthly accounts.

The Chief Accountant has explained that when the accounts work in respect of the year 1945-46 was in full swing, the communal riot broke out in the city and all office work was suspended for some time and the normal work could not be resumed long thereafter. Consequently, the work of all the departments fell into heavy arrears so much so that the annual accounts for the year 1946-47 were closed on the 30th September 1948 instead of the 30th September 1947, i.e., one year after the prescribed statutory date. It has, however, been ascertained that the delay was to a large extent also due to the officers in charge of the other departments not having furnished figures and returns to the Accounts Department for incorporation in the accounts in proper time.

As the annual accounts are still behind the schedule by about a year, it is highly desirable that all the departments should work in a spirit of co-operation with an eye to quick completion of accounts so that the accounts work in respect of the year 1948-49 may, without fail, be brought up to date by the 31st March 1950 and that the accounts for the year 1949-50 and onwards may be submitted punctually on the 1st October of the following year. If necessary, special arrangements should be made to pull up the arrear works by engaging extra staff.

4. *Non-realisation of consolidated rate.*—At the time of investigation it was noticed that on the 31st March 1948 a total sum of Rs. 92,76,064-13-8 (Rs. 67,28,754-8 in the Collector's account plus Rs. 25,47,310-5-8 in the Law Officer's account) was the net outstanding demand on account of consolidated rate recoverable from various parties. The above figure included a total outstanding demand of Rs. 7,16,957-0-11 (Rs. 3,41,327-4-9 in the Collector's account

plus Rs. 3,75,629-12-2 in the Law Officer's account) relating even to periods prior to the third quarter of 1936-37 and it is likely that some part of this amount has already been or will soon become time-barred. This is undoubtedly an extremely unsatisfactory state of affairs.

It may be pointed out here that audit of the consolidated rate is not conducted against the demand in respect of each individual premises and consequently realisation of the rate in each case is not watched by it. This is a defect in the system which has been obtaining for years. It is desirable that audit should be conducted by Section III—Rate, against each individual demand in future. Objection Books and Adjustment Registers similar to those suggested in paragraph 30 of this report should also be introduced through which the objectionable items should be closely watched until they are cleared. It should always be borne in mind that the two main functions of audit of receipts are that—

- (a) all sums are regularly received and checked against demand, and
- (b) all sums are duly brought to credit in the accounts.

It is a very important and valuable function of audit to see that no demands are left outstanding on its books without sufficient reasons. Audit should continue carefully to watch such outstandings, question and ascertain the reasons for non-recovery in individual cases and suggest to the executive authorities any feasible means for their recovery. When, however, any dues appear to be irrecoverable, orders of the competent authority for their adjustment should be sought.

As regards the realisation of the arrear outstanding demands, it is suggested that each case should now be carefully scrutinised in right earnest, the reasons for non-realisation ascertained in each case and prompt steps taken towards collecting the dues. Disciplinary action should also be taken against those incumbents of the Corporation who were responsible for bringing in such a serious state of affairs by sheer neglect of duty. It is also proposed that in future a review of the progress of collections should be made frequently by the Accounts Department (Section III—Rate) and a report submitted, within a certain date to be prescribed for the purpose, to the Corporation by the Chief Accountant through the Chief Executive Officer, showing the demands and collections, indicating broadly the reasons for non-realisation of the amounts due, as ascertained from the executive authorities together with his comments thereon, and explaining, without fear and favour, how far the executive authorities are discharging their financial responsibilities in the matter of collecting revenues and how far they are taking action in connection therewith with reference to the rules laid down in the Codes and Manuals and the orders of the competent authority issued from time to time, so that the Corporation may be in a position to know the real state of affairs and take necessary action. With a view to compiling such a report it should be made imperative that audit memoranda which will be issued by Section III—Rate, as a result of audit, should be replied to by the departmental heads (of the Collection, Law or Assessment Departments, as the case may be) promptly, say, within a week of their receipt in the ordinary course and orders may be issued by the Corporation accordingly. What is now being done by the Audit Section in the matter of audit of and accounting for the consolidated rate is summarised in paragraph 5 below:—

5. *Procedure of audit of and accounting for consolidated rate.*—The audit and accounts of the consolidated rate are done in Section III—Rate (Audit of Receipts) of the Accounts Department. The demand for the consolidated rate is

created in the Assessment Department. Two assistants only are deputed from the Accounts Department to the Assessment Department to check the demands, cases of objections, etc., from the records of the Assessment Department. It is gathered that they do not check all the demands, etc., but only certain cases at random. [It appears that it is not possible for these two assistants only to do the entire work as indicated in paragraph 70 of the Accounts Code, *vide clause (b) below*. No diary is kept by them to show what work they are doing from day to day and even no programme for their work is prepared.]

Section III—Rate receives a detailed statement of demands of Preliminary as well as Fresh and Supplementary bills made over by the Assessor through the Collector every quarter. On receipt of this advice, the demand in respect of each ward and of the city is entered in the Summary Register and the Book Section is advised of such demand as and when received (paragraph 76 of the Accounts Code). In this Summary Register are subsequently posted the collections, transfers, remissions and cancellations and a balance arrived at for each ward, division and city classified under the heads C. Q. (current quarter), P. Q. (previous quarter) and P. Y. (previous year).

During the year many bills are recalled by the Assessor from the Collector (also from the Law Officer) for being cancelled or remitted due to various reasons. A list of the items, cancelled or remitted, is supplied to this Section by the Assessor every quarter (paragraph 99 of the Accounts Code). This list is checked by this Section with reference to the vacancy cards (paragraph 97, *ibid*) and the reports of the Assessing Officer. The Collector's daily abstract of challans for the consolidated rate is sent to Section I (Book Section) through the Treasurer. The detailed challans of the bailiffs are received in Section III—Rate, through the Treasurer (paragraph 82 of the Accounts Code). The credits shown in the challans are posted in a prescribed form (paragraph 88, *ibid*) according to P. Y. (previous year), P. Q. (previous quarter) and C. Q. (current quarter) and the total reconciled with the credits exhibited in the daily abstract of challans.

Any excess or short payment in the daily remittances of the Collector is examined by this Section with reference to the postings in the Demand Register of the Collection Department.

Remittances in part payment of rate bills are separately advised by the Collector. A separate register is maintained for the same in Section III—Rate, in which are noted subsequent adjustments against rate bills. The balance left at the end of the year is reconciled with the figure shown on this account in the Ledger of the Book Section as also with the balance of each division of the Collection Department.

Adjustment of rate bills against grants-in-aid, refunds due to vacancies, etc., are effected in this Section and separate registers maintained for the same.

Rate bills collected in the Collection Office against office collection receipts are checked with reference to the counterfoils in the receipt books.

The Collector also sends a quarterly list of bills transferred to the Law Department as also bills cancelled as irrecoverable under section 213 of the Act, which are checked with reference to the orders of the competent authority.

The net demand in the hands of the Collector is arrived at after deducting the demands transferred, cancelled and remitted.

The total collection by the Collector is arrived at after taking into account the daily collections as shown in the challans, transfers from the suspense

account (deposit), adjustment against rate bills and short and excess remittances.

An abstract of daily collections is made for each division according to P. Y. (previous year), P. Q. (previous quarter) and C. Q. (current quarter) from which a quarterly abstract is made out by this Section and the balance of rate bills in the hands of the Collector is thus arrived at.

A separate list is obtained quarterly from the Collector as well as the Assessor of bills outstanding in their hands which are verified by this Section with reference to the bills so entered in the list.

The total outstandings are reconciled with the book balance of the separate Ledger of the Collection Department as also of the Abstract Register of this Section and the Main Ledger of Section I (Book Section) and a quarterly report submitted to the Chief Executive Officer on the result of stock-taking.

As regards the Law Department, the opening balance together with the demand transferred there during the year forms the total demand, from which is deducted the demand re-transferred and cancelled as irrecoverable as also the demands remitted, and then the net demand is arrived at.

Detailed challans for daily collections in the Law Department are received in Section III—Rate, and posted in a prescribed form, the total of which is reconciled with the figures shown in the daily abstract of collections received through the Treasurer. As in the case of the Collection Department, the amount received in the suspense account (deposit) of the Chief Law Officer and the amount adjusted therefrom are entered in a register. Some bills are also adjusted in this Section (Section III—Rate) against deductions from grants-in-aid, etc. The total disposal of bills thus arrived at is deducted from the net demand and the outstanding balance found out at the close of each quarter. This balance is checked in the same way as in the case of the Collection Department which is stated above.

A quarterly report showing the result of the stock-taking, any irregularity found in the course of the same and the total balance outstanding in the hands of the Chief Law Officer, was required to be submitted to the Chief Executive Officer but it is now done half-yearly. The previous practice should be restored.

The work of checking the demands, cases of objections, etc., which is entrusted to only two assistants as stated in the beginning of clause (a) above appears to be too heavy for them. The strength was fixed some thirty years ago and if the work were to have been done properly, more men ought to have been appointed for this purpose with the enormous increase in the number of rate-payers. No superior officers appear to have even cared to know what work these assistants had been doing and whether it was possible for them to do the entire work (*vide* paragraph 75 of the Accounts Code).

It is suggested that a few more assistants as may be found necessary (by actual time test) for the work and arrangements for a test check of the individual demands, objections, etc., may be made in such a way that a major portion of the individual demands for the consolidated rate comes up for check once a year by rotation. A small percentage of these demands may also be reviewed by the Head Assistant of Section III—Rate, the Accountant and the Deputy Chief Accountant. A Register may be maintained in the Section for allotting the audit and the review work to be done every month and for showing the work done in the month. This Register may then be submitted to the Chief Accountant for inspection. The units to be checked and reviewed may

be selected by the Deputy Chief Accountant or the Chief Accountant. Diaries should also be kept by the assistants who are deputed to the Assessment Department to do the work, in which their daily progress of work should be shown. These diaries should be submitted to the Head Assistant once a week and to the Chief Accountant once a month for inspection.

Objections noticed as a result of audit and review should be settled through objection memoranda. Important and serious irregularities found in the course of review should also be entered in a Review Register to be opened for the purpose which may be submitted to the Chief Executive Officer by the Chief Accountant with the remarks of the head of the department at fault. Disciplinary action may be taken against the delinquents, when called for.

6. *Check of remissions and cancellation of consolidated rate.*—(a) Paragraph 97 of the Accounts Code lays down that the cards in respect of remission and cancellations *together with the original orders* shall be sent by the Assessment Department to the Accounts Department where they shall be registered and the accuracy of the remission or the cancellation examined. It was gathered that the original orders had not been sent to the Accounts Department (Section III—Rate), but that the accuracy of the remission and cancellation was checked only with reference to the entries in the cards. The rule should be strictly followed in future.

(b) Paragraph 98, *ibid*, enjoins that the Collector shall forward to the Chief Accountant at the close of every quarter a detailed list of bills cancelled by the Corporation under section 213 of the Calcutta Municipal Act, together with the *original bills stamped as cancelled* under a resolution of the Corporation which shall be examined and recorded in the Accounts Department, for destruction in due course. The original bills, however, were not sent to the Accounts Department for action as required by the rule. The rule should strictly be acted up to in future.

7. *Summary Register.*—The Summary Register shows particulars of demands, collections, etc., and the outstanding balance of the consolidated rate at the close of each quarter. The postings in this Register were in arrears for more than a year and in a large number of cases, entries had been made in pencil. All entries should be made in ink in future. The arrears should be made good quickly.

8. *Partial recovery of consolidated rate, kept under "Suspense" for years and non-recovery of the balance.*—The "Register of Deposits on account of partial recovery of bills with the Law Officer" maintained in Section III—Rate, showed that a total sum of Rs. 1,49,701-13-3 realised from various parties on account of the consolidated rate on different dates between 19th February 1929 and 31st March 1948 (the date up to which the accounts of the Corporation had been prepared when the investigation was in progress) had been kept in deposit and held in suspense, pending adjustment under the proper head or heads. It was found that the oldest of such deposits was made on 19th February 1929. It is obvious that no sincere and earnest endeavour was made by the Law Department and the Audit Section (Section III—Rate) to clear the outstandings and have them adjusted in time and also to recover the balance due to the Corporation. No papers could be shown by Section III—Rate that the matter had ever been specifically brought to the notice of the Corporation. It should not in any case have taken years to dispose of such cases finally. The objectionable items may be pursued through the Objection Book and Adjustment Register which may now be introduced (*vide* paragraph 30 of this report). It is further proposed that the Register

of Deposits mentioned above should be reviewed by the Head Assistant once a month and the result of review submitted to the Chief Accountant for necessary orders. The total figure under "Suspense" on this account should be agreed quarterly by Section III—Rate with that recorded under that head in books of the Law Department under the initials of the Head Assistant of both the Law Department and Section III—Rate of the Accounts Department. The fact of verification of the figure on this account at the end of a year as written in the Register of Deposits maintained in Section III—Rate with that recorded in the Ledger of the Book Section (Section I) should also be noted in the Register concerned under the initials of the Head Assistants of both the Sections. This is not done at present. In this connection it may be observed that under suspense heads are recorded all such transactions as are ultimately removed either by payment or recovery in cash or by book adjustment. The general principle is that the use of suspense heads for provisional adjustment of transactions ultimately adjustable under revenue and service head should be avoided as far as possible. Audit of transactions under suspense heads consists not only in applying the ordinary procedure of audit of expenditure and receipts, but also in seeing—

- (i) that the unadjusted balances under the heads continue to represent *bona fide* assets or liabilities capable of being realised or settled, as the case may be, and
- (ii) that satisfactory action towards such realisation or settlement is being taken by the officer responsible therefor.

The items under suspense heads should be made the subject of special correspondence with the officer concerned and it is highly desirable that all balances under suspense heads must be reviewed at short intervals and in reviewing the balance it should be secured that no item remains unadjusted longer than is absolutely necessary to bring about its clearance in the ordinary course with regard to the rules in each case.

9. *Serious irregularities in stock-sheets of bills for consolidated rate repeated.*—The following types of irregularities were often noticed by the Audit Staff (Section III—Rate) in the course of verification of stock of bills for consolidated rate (*vide* paragraph 106-III of the Accounts Code), viz:—

- (i) certain bills entered in the stock-sheets were not produced by the Collection Department for verification, and
- (ii) certain bills were not at all entered in the stock-sheets.

The result was that the task of reconciling the discrepancies was made very difficult and the work was delayed very much. But the more serious aspect of such things is that by resorting to these tactics the collecting staff can avoid detection of temporary misappropriation of money already collected. Suitable measures may now be taken by the Corporation to put a stop to such malpractices once and for all. For this purpose, disciplinary action, where necessary, may be taken against the incumbents at fault.

It is also noteworthy that beyond submitting the report on stock-taking to the Chief Executive Officer through the Chief Accountant, the Audit Section does not appear to take any further action in the matter. The original reports, the orders passed thereon and any papers showing the final disposal of the reports could not be produced by the Audit Section. Audit becomes meaningless if objections raised by it are not pursued by it until matters are regularised. It is suggested that in future, besides closely watching the irregularities through the Objection Book proposed to be introduced in paragraph 30 of this report, a separate

register should be maintained in the Audit Section showing in parallel columns, the due date of stock-taking, the due date of submission of the report on stock-taking to the Chief Accountant, the actual date of submission of the report to the Chief Accountant, the date of submission of the report to the Chief Executive Officer, the date of return of the report from the Chief Executive Officer, the date of transmission of the report with the orders of the Chief Executive Officer to the Collection or the Law Department as the case may be, the date of receipt of the replies of the heads of departments concerned and the date of final disposal of the report. The whereabouts of the report should be closely watched so that it may not be mislaid or lost.

10. (a) *Irregularity and delay in submission of Statements of Demands to the Chief Accountants.*—Under paragraph 76 of the Accounts Code, the Collector shall receive from the Assessor direct, lists of preliminary demands on account of the consolidated rate for the owner's share, occupier's share and *bustee* lands before the commencement of the quarter to which they relate. As soon as possible after the delivery of the Preliminary and the Fresh and Supplementary Rate Bills has been completed, the Assessor shall forward to the Chief Accountant statements showing, according to wards, the Gross Preliminary and the Fresh and Supplementary demands for the quarter. The statements of Fresh and Supplementary demands shall be classified as C. Q. (current quarter), P. Q. (previous quarter of current year) and P. Y. (previous years) in accordance with the quarter and the year to which the demands relate. These demands shall be certified by the Collector as correct before they are sent to the Chief Accountant. It was, however, noticed that these demands had not been certified by the Collector as correct before they were forwarded to the Chief Accountant as required by the rule. In future, this should invariably be done and the Audit Section should particularly see that the demands have duly been certified as correct before the statements are received by that Section.

The rule quoted above also requires that the statement of Preliminary demands shall be sent to the Chief Accountant not later than the 30th of the first month of the quarter and the Fresh and Supplementary demands not later than the 15th of the first month of the following quarter. On receipt of this advice, the demand in respect of each ward and of the city shall be entered in the Summary Register which shows particulars of demands, collection, etc., and the outstanding demands at the close of each quarter. In the course of investigation it was, however, observed that the statements of demands referred to above had been sent to the Accounts Department very late as indicated below and that notices of demands had been issued to rate-payers late and realisations of rates delayed:—

Quarter.	Statement of Preliminary demands.	Statement of Fresh and Supplementary demands.
1st quarter of 1947-48	.. 25-7-1947	29-9-1947
2nd quarter of 1947-48	.. 18-5-1948	23-12-1947 13-12-1948
3rd quarter of 1947-48	.. 21-5-1948	1-3-1948
4th quarter of 1947-48	.. 19-7-1948	13-5-1948
1st quarter of 1948-49	.. 21-9-1948	20-7-1948
2nd quarter of 1948-49	.. 27-10-1948	30-12-1948
3rd quarter of 1948-49	.. 21-12-1948	28-2-1949
4th quarter of 1948-49	.. 18-4-1949	4-6-1949

(b) *Delay in stock-taking of bills and consequential delay in the issue of arrear bills to the Bailiffs for collection.*—Under rule 16 of the Accounts Code, at the end of a quarter the figures in the summary mentioned in clause (a) above should be compared with the result of the stock-taking of outstanding bills in the hands of the Collector and the Assessor (*vide* rules 106 to 109 of the Accounts Code) and in accordance with rule

107, *ibid*, the Chief Accountant or some other officer or assistant deputed by him shall obtain from the Collector a list of all bills in the hands of the different bailiffs pertaining to the various quarters outstanding on the last day of the quarter and compare the entries made therein with the individual bills so outstanding which shall be stamped at the same time S.I., S.II., S.III. or S.IV. according to the first, second, third or fourth quarter of the year to which the stock-taking relates. Paragraph 110, *ibid*, lays down that the stock-taking shall be completed within the first fortnight and the report submitted by the last day of the first month of the following quarter and the Collector's and the Assessor's Departments should render every possible help in facilitating the reconciliation of any difference.

It was, however, found at the time of investigation in September 1949, that the stock lists due from the Collector and the Assessor on the last day of each quarter had not been furnished to the Accounts Department in time but had seriously been delayed and while the Accounts Department had completed the stock-taking in time, the reports had not been submitted by it regularly on the due dates and not quarterly but half-yearly and that since the first quarter of 1948-49 the reports had not been written up at all, as indicated below:—

	Date of receipt in Audit Section (Section III).	Date of stock-taking.	Date of submission of report.
1947-48.			
1st quarter	25.8.1947	Early in September 1947.	No quarterly report submitted.
2nd quarter	15.11.1947	27.11.1947 ..	3.6.1949 (half-yearly).
3rd quarter	10.1.1948	July 1948 ..	No quarterly report submitted.
4th quarter	15.4.1948	April 1948 ..	8.6.1949 (half-yearly).
1948-49.			
1st quarter	19.7.1948 (Div. I).	19.7.1948 ..	Not written up.
2nd quarter	25.10.1948 (Div. I).	26.10.1948 ..	Ditto.
3rd quarter	17.1.1949 (Div. I).	18.1.1949 ..	Ditto.
4th quarter	16.5.1949 (Div. I).	17.5.1949 ..	Ditto.

11. *Tax on animals and carriages, etc., (other than motor cars and lorries).*—In the course of investigation it was noticed that on the 31st March 1948 (up to which the accounts of the Corporation had then been prepared), a total sum of Rs. 12,31,285 remained as the net outstanding demand, on account of tax on animals and carriages, dog tax, tax and licenses on professions, trades and callings and scavenging tax.

The total sum of Rs. 12,31,285 mentioned above included certain arrear demands commencing from the year 1931-32 and it is not unlikely that some of them have already been or will shortly become time-barred.

The position, as revealed above, is most unsatisfactory. No papers could however be produced by the Audit Section to show that the matter was ever specifically brought to the notice of the Corporation or that the individual cases were examined in detail in order to find out whether any effective steps had been taken to realise the huge arrears and to bring to book the individual officers or other persons responsible for such a sad state of affairs. If there were any real difficulties in the matter of collection in any case, it was open to the Audit Section to explain the position to the Chief Executive Officer, with suggestions for any feasible means for recovery of the amount due or cancellation of the demand if it appeared to be irrecoverable.

It may be pointed out in this connection that in accordance with paragraph 118 of the Accounts Code the License Officer shall forward to the Chief Accountant as soon as assessments are made a copy of the Register of Demands in respect of each kind of tax and fees leviable in the forms

prescribed for the purpose, duly signed by the respective Inspectors and showing the date of assessment. Under paragraph 125, *ibid*, the postings of the collections in the respective demand registers shall be commenced as soon as sufficient sheets of the demand register after completion of the preliminary assessment are received. In many cases, however, these registers of demands were received in the Audit Section (Section III—Miscellaneous) five or six months late. Again the Audit Section does not make the postings of collections as soon as sufficient sheets of demand registers after completion of the preliminary assessment are received as required by paragraph 125, but makes the postings very late, e.g., the postings of collections in respect of 1948-49 were not taken up till 22nd August 1949. Unless the sheets of demand registers are sent by the License Department to the Audit Section in time and the postings of collections are made as soon as the sheets of the demand registers are received in the Audit Section, it cannot be ascertained by the Audit Section as to in which cases the amounts have not been realised so that the Audit Section might at once raise objections as to why the demands were not satisfied and pursue the objections closely. It is gathered, however, that the Audit Section does not, as a matter of fact, question the Executive in individual cases regarding non-realisation of these dues or watch their recovery, but merely does the posting work. It cannot be overemphasised that in the case of assessing and realising license fees, any delay in taking action carries with it the risk of even the revenues being lost altogether, e.g., when a concern changes hands it often becomes difficult to trace the old proprietor. It is of the utmost importance, in the case of license fees and taxes, to see that action in all the stages is promptly taken to ensure that there is no loss of revenue due to the Corporation. For this purpose, objections should be freely issued by the Audit Section to the License Department and pursued through the Objection Book and Adjustment Register, which are proposed to be introduced (*vide* paragraph 30 of this report), until the items are cleared.

As regards the arrear demands due to the Corporation, action may be taken by the Corporation on the lines suggested in the last sub-paragraph to paragraph 4 of this report.

12. *Market receipts.*—At the end of the year 1947-48, large amounts remained as the net outstanding balance recoverable from various parties on account of market receipts under certain heads as the following instances will show. The position as on 31st March 1948 and 31st March 1947 has also been exhibited side by side:—

Net outstanding demands—			
	On 31st March 1948. Rs. a. p.	On 31st March 1947. Rs. a. p.	On 31st March 1948. Rs. a. p.
Sir Stuart Hogg Market—			
Initial rent ..	4,146 4 0	10,370 0 0	11,183 2 0
Rent from shops and stalls ..	31,301 0 6	53,656 11 6	68,074 6 6
Rent from temporary vendors ..	11,999 4 3	28,593 5 6	21,899 15 6
Lansdowne Market—			(B)
Initial rent ..	..	1,300 0 0	1,125 0 0
Rent from shops and stalls ..	315 12 0	3,726 11 0	5,335 0 6
Rent from temporary vendors ..	67 9 0	3,332 10 0	3,586 5 6
College Street Market—			
Initial rent ..	..	..	1,800 0 0
Rent from shops and stalls ..	70,506 12 9	1,46,516 9 6	2,47,169 9 0
Rent from temporary vendors ..	24,643 1 0	51,849 12 9	93,422 0 0
Entally Market—			
Rent from shops and stalls ..	222 12 6	6,929 4 6	12,171 9 6
Rent from temporary vendors ..	311 11 0	9,228 3 0	11,213 10 0

(The instances are not exhaustive.)

It will be seen from the above that except in the cases marked (A) and (B) the net outstanding demands have been increasing from year to year

by leaps and bounds, particularly in the case of the net outstanding demand for rent from shops and stalls in the College Street Market, which rose from Rs. 70,506-12-9 on 31st March 1946 to Rs. 2,47,169-9-0 on 31st March 1948. The Audit Section also could not produce any papers to show that it ever asked for the reasons for non-recovery of the amounts in question or whether the matter was ever reported to the Corporation for necessary action.

It may be pointed out in this connection that audit is not conducted against the demand in respect of each shop and stall but only the total of the daily collections is posted in the Audit Register in lump and it cannot be ascertained therefore from the Audit Section as to whether the amount due from the parties in regard to all the shops and stalls have been paid or not. The existing system is not satisfactory and should be so altered as to ensure an effective check against the demand in respect of each particular shop or stall. The same procedure as indicated in paragraphs 4 and 30 of this report may also be followed by Section III—Audit of Receipts—Miscellaneous in the matter of audit of the market receipts and pursuit of objections and clearance of the arrear dues on this account by the introduction of the Objection Book and Adjustment Register, otherwise audit would be meaningless.

13. Daily collections on account of season tenants on fixed rent.—Paragraph 146 of the Accounts Code lays down that the daily collections on account of season tenants on fixed rent shall be checked with reference to the copy of the register prescribed for the purpose, subsequent enlistment noted from time to time and the advice (in a prescribed form) showing arrear demands, collections and remissions to be furnished by the Market Superintendent. No such check is exercised at present. No orders could be produced by the Audit Section in support of the non-observance of this rule.

14. Demand and collection for supply of electricity in Sir Stuart Hogg Market.—In accordance with paragraph 150 of the Accounts Code, a register should be maintained in the Accounts Department in a prescribed form to watch the demand and collection for supply of electricity for fans and lights put up at the expense of the Corporation in certain blocks of Sir Stuart Hogg Market. This is, however, not done. The rule should be strictly followed in future.

15. Cheques dishonoured by banks resulting in loss of Corporation revenues.—Cheques tendered in payment of rates, licenses and other revenues of the Corporation by the parties concerned were sometimes dishonoured by the banks for various reasons. It was found that cheques for a total sum of about Rs. 47,000 tendered between January 1925 and March 1949 had been dishonoured and that the cases had been sent to the departments concerned or the Law Officer for taking necessary action for realising the amounts from the parties concerned. When the cheques had been tendered, the amounts of the cheques had been credited in the accounts as revenue under the heads concerned, but when they were dishonoured, no readjustments were made by cancelling the credits under the respective heads. The total amount credited during a month was, however, deducted from the monthly cash balances in lump. Such adjustment, however, is misleading. The original credits should have been cancelled so that the accounts would portray the correct figures under the respective revenue heads. No effective steps appear to have been taken to realize the amounts from the parties concerned, although some of the cases were many years old (the oldest is dated 3rd January 1925). Needless to say,

delay in taking action in such cases, is risky inasmuch as it might affect the revenues of the Corporation seriously and in certain cases the claims might also become time-barred. In the form of the bill itself there are printed instructions to the effect that payments made in cheques will not be deemed acquittance in full until the cheques are actually cashed and that the responsibility of the payee remains until the actual encashment of the cheques, and it is not understood why the amounts should have been allowed to remain outstanding for such a long time notwithstanding the clear provision made in paragraph 619 of the Accounts Code to the effect that cheques received in payment of Corporation dues, if dishonoured by the bank concerned, shall be returned to the remitting department, the Accounts Department being simultaneously advised and that it shall be the duty of the department concerned on receipt of the intimation to call upon the parties to pay the amount within 24 hours, failing which legal action should be taken without further notice. This state of affairs reveals gross neglect of duty and lack of supervision on the part of the Executive and Administrative authorities. Each individual case should now be scrutinized by the departments concerned and finally disposed of as quickly as possible under the orders of the Corporation to be obtained in each case. Disciplinary action should also be taken against the officials responsible for not taking proper and timely action and not bringing the matter specifically to the notice of the Corporation for necessary orders.

It is suggested that in future Section III of the Accounts Department, which conducts the audit of receipts, should maintain an Objection Book and an Adjustment Register similar to those suggested in paragraph 30 of this report in the case of expenditure audit, through which such items should be closely watched with a view to clearing the outstanding as quickly as possible. To minimise such cases, it is also proposed that cheques on banks which have clearing accounts with the Imperial Bank of India only may duly be accepted in payment of Corporation dues or in settlement of other transactions. Until, however, a cheque has been cleared, Corporation cannot admit that payment has been made and consequently final receipts should not be granted when it is tendered. A receipt for the actual cheque only should be given in the first instance, but if the person making payment so desires, a receipt will be sent to his address after the cheque has been cleared. In the event of such a cheque being dishonoured by the bank concerned on presentation, the fact should be intimated at once to the tenderer, but Corporation cannot accept any liability for loss or damage which may possibly occur as a result of delay in intimating that the cheque has been dishonoured.

16. Depletion of cash balance by keeping money under the head "Deposit".—A total sum of Rs. 13,30,698-11-1 was lying under the head "Deposit—Miscellaneous" on the 31st March 1948. This sum included items deposited even 16 or 17 years ago (the oldest one was deposited in March 1932). Paragraph 530 of the Accounts Code enjoins that before the end of each year, a list of all deposits outstanding for more than three years from the date of the final transaction shall be prepared and submitted to the Corporation for orders to remove them from the deposit account by credit to "Miscellaneous Receipts". As a result of non-observance of this rule, the cash balance of the Corporation remains depleted from year to year. Action may now be taken as required by the rule quoted above.

17. Advances remaining unrealised or unadjusted for years.—The position regarding "Miscellaneous Advances", "Advances on account of

"Dearness Allowance to Employees" and "Advances for cost of work done in default" is as follows:—

The figures on these accounts, up to 1947-48 only were available on the 27th June 1949, the date of investigation, as the ledgers in respect of the transactions for 1948-49 had not been completely posted since 1st April 1948. It was found that advances made even during the years 1931, 1934, 1938, 1940, 1941, 1942, 1943, 1944 were pending adjustment on the 31st March 1948.

The figures shown in the table below since 1942-43 will show the huge balance which remained outstanding at the close of each financial year on account of these advances:—

Year.	Miscellaneous advance and advance on account of dearness allowance.	Advance for cost of works done in default.					
		Rs.	a.	p.	Rs.	a.	p.
1942-43 ..	.. 23,01,355 8 11	64,606	8	7			
1943-44 ..	.. 46,24,061 9 6	60,813	4	2			
1944-45 ..	.. 53,39,132 2 3	1,13,905	11	7			
1945-46 ..	.. 66,85,066 13 3	3,40,015	4	8			
1946-47 ..	.. 60,87,442 10 3	94,498	7	0			
1947-48 ..	.. 59,72,478 12 8	91,497	6	8			

While advances have been granted very frequently no proper care has been taken to see that they are duly adjusted. It has been noticed that the adjustments are not systematically watched by the Audit Section concerned. It is obvious, too, that the heads of departments do not take proper action for adjusting the amounts taken in advance. This state of affairs does no credit to the Executive and the Administrative authorities as well as the Audit Section.

Matters will have to be remedied now and the following suggestions are made in this connection:—

A responsible officer of the Corporation should be entrusted with the duty of making a complete and up-to-date list of all advances in consultation with the Chief Accountant. For this purpose, the ledger postings must be brought up-to-date in the first instance. Each individual case of advance made should be scrutinised by the said officer and the responsibility for non-recovery or non-adjustment of the advance should be fixed, the particular officer or officers on whose responsibility the advance was granted being named in each case. In the event of non-recovery in any case, disciplinary action should be taken against the defaulting officer and steps taken for having the amounts written off under orders of the competent authority, where necessary. In future, advances should be granted only in emergent or extremely urgent cases and the Corporation may make detailed rules on the subject, specifying the authority who will be competent to grant such advances and up to what limit. The contents of the Secretary's circular, dated 31st July 1935, and the usual notice (*vide* paragraph 30) should be embodied in the detailed rules with suitable modifications. The rules should be rigidly enforced in future and in case it be not possible to adjust the amount within the first three months of its drawal, the recovery should be made from the fourth month, from the pay of the officer drawing the advance and if the amount of his pay be not sufficient to cover the amount of the advance, the recovery may continue to be made until the whole amount of the advance is adjusted, unless the Corporation, in very exceptional cases, orders otherwise. Heads of departments to whom advances are granted must keep their accounts always up-to-date and reconcile the monthly outstanding with the figures on this account as worked out in the ledger maintained in the Book Section and if there be any difference in the figures, reconciliation should be

made immediately and the adjustment of the amounts closely and vigorously watched by the Audit and other Sections concerned. In case no adjustment bills are submitted by the Drawing Officer in any case in time and in accordance with the rules and orders in force, a list of such cases should be prepared and placed before the Corporation at their next meeting by the Chief Accountant through the Chief Executive Officer for necessary orders. Matters have come to such a pass that this course is considered essentially necessary.

18. *Dhobikhana receipts*.—Paragraph 161 of the Accounts Code requires that a register in respect of Dhobikhana receipts shall be maintained in the Accounts Department in a prescribed form to watch the demand, collection and outstanding balance and a statement in a prescribed form showing the number of ordinary and extra stones occupied, the amount outstanding at the end of the last month, the amount of current and arrear rents, charges for using the steam washing plant, penalty and servants' fees realized during the month under report and the amount of rents and fees outstanding at the end of the month with reference to stone numbers and reasons for the non-realization in each case as also for any decrease in receipts as compared with the last month shall be submitted to the Accounts Department at the end of each month. This statement shall be examined with reference to the entries in the Register kept by Section III of the Accounts Department. Any case where the arrear rent shall remain outstanding for three months should be reported to the Corporation for orders stating reasons for non-realization.

No register as prescribed in the rule quoted above is, however, maintained in the Accounts Department nor is the statement referred to above, sent there for exercising the necessary checks as prescribed above. No papers could also be produced by Section III to show that in cases of arrear rents outstanding for more than three months, any report was submitted to the Corporation for necessary orders as required by the rule. The checks prescribed in the rule are important and the matter should not have been overlooked by the Executive and also by the Audit Section. The rule should be strictly followed in future.

19. *Slaughter house receipts discrepancy in foils*.—In the course of examination of certain Receipt Books in respect of realization of slaughtering fees, it was found that in one case relating to the Chitpore Slaughter House the party's foil of the receipt (*i.e.*, the receipt which ought to have been issued to the party paying the slaughtering fee) remained attached to the book foil with a pin. The number of the receipt was 11927 and the receipt was dated 23rd October 1947. The fee was received from one "Robi". The book foil of the receipt showed the amount received as *6 annas only* and the number of goats slaughtered as *one only*, but in the party's foil (bearing of course the same number, date and the name of the party), the amount received was written as *Rs. 3-6 only* and the number of goats slaughtered as *nine only* at 6 annas per goat. This points to the existence of a fraud which would most probably have not seen the light of day, had the party's foil of the receipt been made over to him instead of having been attached to the book foil. It seems that a sum of Rs. 3-6 was actually received from the party in this case for the slaughter of nine goats, but a sum of 6 annas only was credited to the Corporation showing in the book foil a realization of 6 annas only the balance of Rs. 3 having been misappropriated. From the records maintained in Section II-E (Audit of Disbursements) it has been found that Sri Nripendranarain Sen Gupta was the Supervisor of the Chitpore Slaughter House at the time, who wrote out the receipt in question. It has also

been ascertained from the records of Section II-E that Sri Nripendranarain Sen Gupta was on leave since 21st October 1948 and died on the 17th May 1949. The Receipt Book (it contained receipts Nos. 11901 to 12000 issued between 23rd October 1947 and 25th October 1947) had been received by Section III—Miscellaneous long before Sri Nripendranarain Sen Gupta proceeded on leave or died. No papers could be produced by the Audit Section (Section III—Miscellaneous) to show whether any action was taken in making enquiries as to the discrepancy between the two foils so that the explanation of the Supervisor might have been taken and the matter could have been fully investigated. It is strange that the Audit Section did not bring the matter to the notice of the Executive authorities for necessary investigation on the subject when it came across such an extraordinary case. It is suggested that frequent surprise visits to all the slaughter houses and the cattle stock yards and other similar institutions should be arranged by the head of the department concerned. The Chief Accountant as well should frequently send his Audit Inspectors or such other officer as he may select for the same purpose. These Inspecting Officers should attend the slaughter houses, when fees are being paid and watch the working of the system of levying, collecting, and crediting fees and ensure that there is no leakage. It is also suggested that Inspecting Officers should as a matter of routine write out a report immediately after each inspection and submit the same to the Chief Executive Officer through the proper channel for information and necessary orders. A register should be maintained also in Section III—Miscellaneous showing, in different columns, the names of the officers who made the inspection, the date of inspection, date of transmission of the report to the head of the department, date of submission of the report to the Chief Executive Officer and the date of final disposal. The register should be submitted to the Chief Executive Officer once a month for his inspection. The reports for a year should be filed in separate bundles.

20. Non-realization of demands on account of miscellaneous bills.—At the time of investigation it was found that in respect of miscellaneous bills also, a total sum of Rs. 8,68,891-11-1 (Rs. 7,99,522-8-9 in the Collector's account and Rs. 69,369-2-4 in the Law Officer's account) including arrears of previous years remained outstanding on the 31st March 1948, as shown in the table below in which the position as on the 31st March 1946 and 31st March 1947 has also been indicated:—

Miscellaneous bills.

Net outstanding demand—

	On 31st March 1946.	On 31st March 1947.	On 31st March 1948.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Collector's account.	6,35,319-3-6	6,37,083-6-8	7,99,522-8-9
Law officer's account.	81,499-14-7	83,892-4-10	69,369-2-4
Total Rs.	7,16,819-2-1	7,20,975-11-6	8,68,891-11-1

It will be seen from the above that the net outstanding demand had been increasing from year to year. The total net outstanding amount of Rs. 8,68,891-11-1 included certain arrear demands relating even to the year 1931 and it is most likely that some part of it has become time-barred. No papers could be produced by the Audit Section to show that this state of things was ever specifically brought to the notice of the Corporation or that it was examined whether suitable measures had been adopted to realize the huge arrears of revenue or action was taken against the officer or officers responsible for this deplorable state of things. Each case should now be scrutinized and the system of keeping Objection

Books and Adjustment Registers proposed in paragraph 30 of this report introduced with a view to recording and pursuing closely the objections on this account and settling the items as quickly as possible by recovery or otherwise, as the case may be.

21. (a) Procedure of receipt and payment of bills.—What is being actually done in the matter of receipt and payment of bills is stated below:—

Under paragraph 285 of the Accounts Code all bills payable by the Corporation of Calcutta shall be presented in the Accounts Department in the first instance. In fact, bills are sometimes received by other departments too and then sent to Section II (Audit of Disbursement) through a peon book. All bills are audited and passed by Section II, except those relating to stores, which are audited and passed by the Store Audit Section (Section IV) and those pertaining to pay and allowances of officers and establishment of the Corporation, which are audited and passed by Section II-E. On receipt of the bills by the bill clerks in Section II, they are registered in the appropriate register, e.g., "Register of Bills received in the Accounts Department for payment", maintained for each class of bills, C (Contractors' Bills), P (Pay Bills), E (Electric Charge Bills), etc. If the bills belong to the two Sections mentioned above (i.e., Sections IV and II-E), they are sent to these Sections for audit and return to Section II, the dates of transmission and return being noted in the Register of Bills which is maintained only in Section II. In all other cases, the bills are audited and passed in Section II. The date of receipt of the bill in the Audit Section concerned is recorded in each Audit Assistant's note-book. The procedure of audit and payment that is actually followed is indicated below:—

(b) Procedure of audit and payment of bills.—Section II: The bills are audited by the Audit Assistant concerned with reference to the prescribed rules, entered in the Audit Register of Charges and placed before the Head Assistant who scrutinises the bills and if the bills are found to be in order, puts his initials in the column of the Audit Register prescribed for the purpose and also on the body of the bills. If the bills are not found in order, e.g., necessary certificates, etc., have not been furnished by the department concerned or there are other mistakes or omissions, they are referred back to that department for furnishing the wanting documents or otherwise making good the omissions before being passed for payment.

(c) After the bills have been passed by the Head Assistant, they are submitted to the Deputy Chief Accountant along with the Register of Bills. The Deputy Chief Accountant puts his initials on the body of the bills and in the Register of Bills in token of his having passed the bills. The bills are then made over to the Cheque-writer who prepares a list in triplicate by carbon paper and gets it checked by an assistant who initials it. The bills and the list are then submitted to the Accountant who initials the list in token of the correctness of the entries and sends them direct to the Cash-writer in Section I (Book) for entry in the Cash Journal and giving the "Voucher number" on the bill. The Cash-writer returns the list to the Cheque-writer in Section II as quickly as possible for writing out the cheques, generally on the following day. The cheques are then written out from the list and both the list and cheques are put up before the Deputy Executive Officer and the Secretary (and in the absence of either of them to the officer present and the Chief Accountant, *vide* section 83 of the Calcutta Municipal Act, 1923) for pay orders on the bills and signatures on the cheques and after their signature, the cheques are sent to the Treasurer along with two carbon copies of the cheque list

(one for his office file and the other for transmission to the Imperial Bank of India, Calcutta) for disbursement. The cash vouchers are stamped "Paid on....." after payment has been actually made and then returned to Section II of the Accounts Department.

(d) On return of the paid bills by the Treasurer to Section II the cash voucher number is noted in the Register of Bills and then the vouchers are sent to Section I where they are entered in the cash-book and the adequacy of the acknowledgement of receipts examined and they are then filed by Dufries in a guard file in the serial order of the cash voucher numbers.

(e) Sections II-E and IV: The procedure described in clause (b) above holds good also in the cases of these two Sections. After the bills have been passed by the Head Assistant (of Section II-E or Section IV, as the case may be) they are returned to Section II which does the remaining portion of the work as detailed in clause (e) above.

21A. It is apparent that the procedure explained in paragraph 21 above is complicated and defective. Bills should not at all be received in the first instance in departments other than the Accounts Department (*vide* paragraph 285 of the Accounts Code). It is not also very clear why the bills for stores and for pay and allowances of Officers and Establishment should be received in Section II and then sent to Sections IV and II-E, as the case may be, for audit and returned to Section II for doing the rest of the work as mentioned in clause (c) above. The whole work beginning from the stage of receiving the bills up to the time of making over the nail bills to the Cheque-Writer may perhaps be done by Sections II-E and IV themselves. This would save time and avoid unnecessary harassment, specially to the drawer of the bills and simplify matters. The procedure suggested in this paragraph may be considered and given effect to immediately under orders of the competent authority, if found suitable.

22. *Register of bills.*—The different Registers of Bills through which the movement of bills from the date of their receipt in the office up to the time of their disposal should be watched, were not properly maintained. In many cases, there were the following defects:—

The names or designations of the Drawing Officers were not noted. The columns "Forwarded on" and "Received back on" were not filled in. In the column "Particulars", only the name of the month was filled in, e.g., October 1947, July 1947, and so on without any further details. The column "Departmental Register No." was also not filled up making it very difficult to determine whether a bill (particularly when an old bill was to be traced) was on account of pay or allowance or advances or, on any other account, and where they were pending disposal for the time being.

If the Bill Register is not properly maintained, it cannot be readily ascertained when a bill was actually sent by the receiving Section to the dealing Section or Sections concerned. It appears that in cases of delay the bill-receiving Section does not send a *takkeed* to the dealing Section or Sections for return of the bills, duly passed by the Head Assistant of the latter Section. Hence, owing to there being no proper check over the early disposal of bills, they are often delayed abnormally.

In future, omissions such as those pointed out above, should be scrupulously avoided and the Register of Bills maintained in Section II should

be submitted to the Officer-in-charge through the Head Assistant once a week (say, every Monday) for review and taking prompt action for remedying defects before it is too late.

23. *Serious delay in passing bills.*—In a large number of cases, passing of bills by the Audit Section concerned was delayed up to a period of three months and much more in certain cases, in which some instances have been given. It may be specifically pointed out that a bill for Rs. 202-15 (Accountants serial number 191, Register of Bills C) for repairs to latrine and urinal at the Lake Market was, on receipt in Section II, forwarded to Section IV on 20th May 1948 and returned by Section IV to Section II on the 26th May 1948, but passed by Section II on 7th December 1948.

24. In accordance with paragraph 290 of the Accounts Code, without the special order of the Chief Accountant no bill shall ordinarily be detained in the department longer than the number of days noted therein against each class of bills, that is to say, they may be detained between 2 and 10 working days in the case of "Duly Certified bills" received for the first time [except in the case of refund of security deposits (other than the supply of stores) in which case 15 working days are allowed], and in the case of "Bills received after removal of audit objections", up to 5 working days according to the nature of the bills. To guard against abnormal delay in the disposal of bills, it is suggested that in future a separate register should be maintained in each Section by the Head Assistant showing a list of bills which become outstanding under the rule quoted above with the dates of their receipt in the office and in the Section concerned. This register of outstanding bills should be submitted to the Chief Accountant for review every working day with the remarks of the Deputy Chief Accountant as to the reasons for the delay in disposal.

25. *Acknowledgment of payees' receipts.*—Under paragraph 401 of the Accounts Code adequacy of the acknowledgement of receipts should be examined by Section I on return of the paid bills by the Treasurer. For the last few years no such check was, however, exercised. Only in February 1949, the practice was revived and since then a register has been kept through which the wanting receipts, etc., are watched. No initials are, however, given by the assistant concerned in Section I on the body of the bills in token of his having examined the receipts in question. It is suggested that in future this should be done before the vouchers are filed and that a certain percentage of such vouchers should be reviewed by a responsible officer who will also put his initials on the voucher in token of his having reviewed the same.

26. *Progress Register of Bills.*—Paragraph 289 of the Accounts Code requires that a Progress Register of Bills passed shall be kept and posted daily and placed before the Head Assistant every morning and before the Chief Accountant every first working day of the month. This return was, however, not regularly prepared every day, e.g., the returns due since 16th April 1949, were not submitted to the Head Assistant even on 3rd May 1949.

27. *Sanction to the creation of posts in respect of entertainment of certain labour staff.*—In the pay-sheets of the Cossipore Engineering Department, Lockgate Road, Special Conservancy Labour Staff, the following amounts were drawn by the District Engineer I on account of the pay of certain labour staff, for the months noted below in anticipation of sanction of the competent authority. The requisite sanction was not, however, obtained up to the time of investigation though

about 3 years elapsed since the amounts had been drawn and paid:—

	Rs.	a.	p.
June 1946 ..	1,163	7	0
July 1946 ..	1,163	7	0
August 1946 ..	2,091	0	0
September 1946 ..	835	2	0
Total	5,253	0	0

The sanction should be obtained without any further delay, if not already done since, and suitable steps taken to see that the requisite sanction of the competent authority is obtained in time in future.

28. (1) *Undue delay in obtaining sanction to creation of posts in which men have already been appointed, and (2) appointing men on a higher pay than the minimum without previous sanction of competent authority.*—(a) The following temporary staff was engaged by the Waterworks Department for the Pulta Pumping Station for one year from 1st April 1946 to 31st March 1947 for renewal of silt from the *pucca* and *kutcha* settling tanks:—

- 1 Inspector on Rs. 78.
- 2 Fitter Inspectors on Rs. 48 each.
- 1 Mechanic Inspector on Rs. 45.
- 1 Jointer Inspector on Rs. 36.
- 2 Drivers on Rs. 38 each.
- 1 Durwan on Rs. 21.
- 229 coolies on Rs. 18 each.

The staff specified above was paid out of advances taken by the department for the purpose from time to time and no sanction of the Corporation was obtained to the creation of these posts during 1946-47 or even in 1947-48. In the ordinary course, the men should not have been appointed without prior sanction to the creation of the posts. Further, the entire staff except the coolies was engaged on a pay higher than the minimum in force at that time, which was as shown below:—

Post.	Minimum pay per month.		Grade.	Rs.	Rs.
	Rs.	Rs.			
Inspector	60	60—110			
Fitter	40	40—50			
Mechanic	30	30—50			
Jointer	30	30—40			
Driver	30	30—40			
Durwan	20	20—25			
Cooly	18	18—20			

Such appointment on higher pay and without proper sanction was highly irregular, but as the staff had already been appointed, *ex-post facto* sanction of the Administrative Officer to the creation of the posts was subsequently obtained on 21st July 1948 to regularise the matter.

(b) The following cases will also show that men were engaged before the posts had been created by the competent authority, such sanction having been obtained even two or three years after the men had been engaged and paid their monthly pay from advances taken by the department:—

Particulars of staff.	Date of entertain- ment.	Date of sanction by Admini- strative Officer.
<i>(1) Labour staff engaged in connection with the running and the maintenance of the two Bhatpara boilers.</i>		
A. Skilled labour for Boiler No. I	10-10-1945	21-7-1948
3 Tindals on Rs. 50 each per month (fixed pay with usual		

Particulars of staff.	Date of entertain- ment.	Date of sanction by Admini- strative Officer.
dearness allowance), 3 Firemen on Rs. 40 each per month (fixed pay with usual dearness allowance), 3 Boiler Cleaners on Rs. 18 per month each (fixed pay inclusive of grain compensation allowance <i>plus</i> usual dearness allowance), 24 Coal Trimmers on Rs. 20 each per month (fixed pay inclusive of grain compensation allowance <i>plus</i> usual dearness allowance).		

12 Boiler Coolies on Rs. 20 each per month (fixed pay inclusive of grain compensation allowance *plus* usual dearness allowance).

Boiler No. II.

2 Firemen on Rs. 40 each per month (fixed pay with usual dearness allowance), 3 Boiler Cleaners on Rs. 18 each per month (fixed pay inclusive of grain compensation allowance <i>plus</i> dearness allowance), 6 Coal Trimmers on Rs. 20 each per month (fixed pay inclusive of grain compensation allowance <i>plus</i> usual dearness allowance), 3 Boiler Coolies on Rs. 20 each per month (fixed pay inclusive of grain compensation allowance <i>plus</i> usual dearness allowance).	1-2-1946	21-7-1948
---	----------	-----------

For maintenance of the two boilers	1-2-1946	21-7-1948
B. 1 Mistry on Rs. 60 each (fixed pay with usual dearness allowance), 1 Junior Helper on Rs. 30 (fixed pay with usual dearness allowance), 1 Brick Layer on Rs. 50 per month (fixed pay with usual dearness allowance).		

Unskilled labour.

13 Coolies on Rs. 20 each per month (fixed pay inclusive of grain compensation allowance *plus* usual dearness allowance).

(2) *Chlorination Staff at Tallah Pumping Station.*

6 Chlorine Mistries, 6 Chlorine Khalasis (on the usual timescale).	1-4-1946	29-4-1948
--	----------	-----------

(3) *9 Chlorination Coolies at Tallah Pumping Station (on the usual pay).*

(4) *Motor Vehicles Department.*

131 Drivers, 373 Coolies ..	1-3-1945	12-4-1948
-----------------------------	----------	-----------

(Many other instances could be quoted.)

Thus expenditure amounting to lakhs of rupees was allowed to be incurred without proper sanction and due regard for economy. Another effect of the adoption of such an irregular procedure is that advances were being multiplied unnecessarily (*vide* paragraph 30 of this report).

It is suggested that in future, heads of departments should submit to the Chief Executive Officer a return every fortnight showing the staff, if any, which is not covered by sanction of the competent authority, stating the reasons therefor, and that the Chief Executive Officer would submit the outstanding cases for necessary orders of the Corporation when it next meets. Even if there be no such unauthorised entertainment of staff, a *Nil* return should be submitted to the Chief Executive Officer for his information. The item should be noted in the Calendar of Returns which should henceforth be maintained in the Corporation (*vide* paragraph 61).

29. Undisbursed amount not refunded to the Treasurer.—A sum of Rs. 15,133-3 representing dearness allowance of the Pulta Pumping Station staff from July 1944 to May 1945 was paid to the Superintendent of the Pulta Pumping Station in advance subject to post-audit on the responsibility of the Executive Engineer, Water Works. No steps were taken to have the necessary adjustment bill submitted to audit. In June 1948, it was necessary for the Audit Section concerned (Section II-E) to call for the advance bill drawn in June 1945, in connection with the payment of an unpaid amount due to the estate of a deceased employee of the Corporation, Sri Paritosh Adhak, when it was found out that there was an undisbursed amount of Rs. 1,426-13-3 out of Rs. 15,133-3 drawn in June 1945, which was not refunded to the treasury by the Superintendent, as he should have done as soon as all other payments had been made in connection with the advance bill for Rs. 15,133-3. It also transpired that out of the undisbursed amount of Rs. 1,426-13-3 against this bill, a sum of Rs. 739-15-9 was paid to certain members of the staff on account of pay, etc., due to them, instead of drawing separate bills in the usual way. Thus, there should still remain a balance of Rs. 686-13-6 in the hands of the Superintendent, which, it was gathered, had not been refunded to the treasury up till the date of investigation, viz., 30th May 1949. The matter had already been taken up by the Audit Section (Section II-E) and the whole case was then being dealt with by them.

The above instance reveals a very serious irregularity and shows lack of supervision on the part of the superior officers concerned.

30. Advances of pay or allowances amounting to lakhs of rupees remaining unadjusted for years.—In a large number of cases, the amounts advanced as pay or allowances to employees of the various departments of the Corporation from time to time were not adjusted and no serious efforts made for their adjustment. Some of these advances were made in 1944-45, if not earlier. No systematic records were kept in the Audit Section (Section II-E) which passed the bills for the advances, to find out in what cases adjustments had been made and whether all the adjustment bills had been received in the Audit Section or not. As stated in paragraph 22, the Registers of Bills were not properly maintained. Enquiries elicited the information that many adjustment bills had been received in the Audit Section (Section II-E) and on a search in that Section it was found that about 400 bills had been received in the Audit Section, but they had not been post-audited and adjusted. There was no record in the Audit Section to show the dates when these adjustment bills had been received in that Section (Section II-E). It further appeared that in certain cases adjustment bills had been submitted to the Audit Section even three years after the advances had been drawn. As regards the bills which had yet to be submitted to the Accounts Department, it is not known how many of them had at all been prepared and how many had been lying in the department concerned without being transmitted to the Accounts Department. The number of such bills was roughly estimated at about 500 and, it is feared, the total amount of such bills might work out to several lakhs of rupees which would require audit and adjustment. The Audit Section should at once prepare an exhaustive list of all bills still remaining unadjusted in consultation with the departments concerned, if necessary, and take suitable steps to have all the bills prepared, post-audited and adjusted without any further delay. Explanations may also be obtained from the Drawing Officers as well as from the Audit Section as to the cause of the abnormal delay.

It is suggested that a special staff thoroughly conversant with audit work may be detailed by the Corporation for helping the departments in

preparing the bills, auditing them and making necessary adjustment so that the work may be carefully and quickly done. In this connection the case mentioned in paragraph 29 of the report may be referred to.

It is surprising that no Objection Books and Adjustment Registers are maintained in the Audit Sections. The introduction of the Objection Book and the Adjustment Register is essentially necessary for recording and pursuing audit objections as they arise and making necessary adjustments by recoveries or otherwise. The Objection Book and the Adjustment Register should be closed monthly under the initials of the Officer-in-charge.

It would not be out of place to point out here that while passing an advance in favour of the head of a department of the Corporation, the Accounts Department issues to him a notice to the effect that the accounts for adjustment of the said advance should be submitted to the Accounts Department as early as possible and that as per orders of the Chief Executive Officer (*vide* circular, dated 31st July 1935 of the Secretary), a notice will, in the fourth month thence, be issued to him along with the passing of his pay bill to the effect that his salary bill for the following month will not be passed unless the accounts for the advance made are submitted within the month or unless an order for extension of time is obtained from the Chief Executive Officer.

No records could be produced by the Audit Section to show that the circular quoted above was acted up to in any case, although month after month, and year after year in certain cases rolled on and no accounts for adjustment of the advances were forthcoming.

It is high time that the Administrative authorities became alert and impressed on the officers concerned the necessity of observing the general principle that every employee should exercise the same vigilance in respect of expenditure incurred from public monies as a person of ordinary prudence would exercise in regard to expenditure of his own money.

31. Sanctions regarding creation of posts not recorded in Audit Registers.—The orders of the sanctioning authority creating posts were not noted in the Audit Registers except in the case of new incumbents. It is suggested that at the commencement of each financial year, the number and date of all such orders with relevant particulars should be noted in the Audit Registers concerned and attested by the Head Assistant so that the audit may be efficiently conducted against the sanctions.

32. Unpaid wages.—On 31st March 1948, there was an outstanding balance of unpaid wages of a number of employees of the Corporation amounting to Rs. 82,046-2-6 in respect of the years 1946-47 and 1947-48 (Rs. 54,143-10-7 for 1947-48 and Rs. 27,902-7-11 for 1946-47). At the close of every year, a statement has to be made out of the items outstanding in the unpaid wages account for more than a year and the total amount adjusted by credit to Miscellaneous receipts, *vide* paragraph 527 of the Accounts Code. But this was not done. Delay in payment is opposed to all rules and it is curious that such large amounts on account of wages of individuals should remain undisbursed for a long time. The matter may be examined in detail by the Administrative authorities to find out the reasons for non-payment and take effective steps for disbursing the amounts to the parties concerned, where possible, and adjustment of the remaining items by credit to Miscellaneous receipts.

33. Register of Security Deposits received from employees.—There is no indication in the Register of Security Deposits received from

employees, maintained under paragraph 218 of the Accounts Code, to show that a review of the entries was ever made. It is suggested that the entries should be reviewed in future by the Head Assistant or any other responsible officer once a month and that the figures agreed with those in the ledger maintained in the Book Section (Section I) to ensure their correctness. The Register may also be submitted to the Officer-in-charge once a month for review.

34. *Register of Service.*—A Register of Service is maintained for each employee of the Corporation, but the entries made therein do not bear the initials of any one except that the date of confirmation of employees only is attested by the Accountant. It is suggested that all the entries in this Register should be attested by the Head Assistant and the Register submitted to the Officer-in-charge once a month for his inspection.

35. *Reconciliation of total expenditure as per Audit Register with the figures in the Main Ledger in Section I.*—In accordance with paragraph 309 of the Accounts Code the total expenditure on account of bills passed by the Audit Section as per Audit Register should be checked half-yearly with the figures in the Main Ledger in Section I (Book Section), and the difference, if any, reconciled. There is no record to show that this was done. This should be done in future under the dated initials of the Head Assistants of both the Audit and Book Sections.

36. *Submission of house rent receipt for the grant of house allowance.*—In their Resolution No. 78, dated May 1938, the Corporation directed as follows:—

- "(i) That it be a direction that all officers and employees who get house allowance should report to the Corporation at the end of every six months particulars regarding the house engaged by them and the rent paid, with the landlord's receipt for the rent paid which should not be less than that sanctioned by the Corporation for the officer concerned.
- (ii) That unless this is done the continuation of house allowance be stopped and the amount already paid be recovered from the salaries of the employees in question."

It may, however, be considered whether the position may not be reviewed now and whether in future, it would not be proper to obtain the particulars and the landlord's receipt in question in respect of the entire period preceding that for which the salary is drawn, failing which the amount already paid may be recovered from the salaries of the employees concerned and further payment of the house allowance discontinued.

37. (a) *Permission to Chief Accountant for doing private practice outside office hours.*—The following entries occurred in the Service Sheet of Sri N. N. Sarkar, Chief Accountant:—

"Granted permission for doing private practice outside office hours so long as it does not interfere with Corporation work in any way, as a special case." (Chief Executive Officer, dated 22nd February 1940 and Service Committee, dated 22nd February 1940.)

It may be considered whether the position may not be reviewed now that about ten years have elapsed since the issue of the orders, dated 22nd February 1940, specially in view of the very heavy work and responsibility devolving on the Chief Accountant and the series of irregularities disclosed on an examination of the working of the Accounts Department.

(b) *Review of sanctions of a permanent nature, etc.*—It is also suggested that sanctions with a long period of currency as well as sanctions of a permanent nature may be reviewed periodically by the Audit Section concerned and that if there is any reason to think that the administrative authority concerned should be invited to review the sanction, such action may be taken.

38. *Register of unclaimed cheques lying with the Chief Accountant.*—Several old cheques in respect of bills passed for payment were not taken delivery of by the parties concerned. Some of these cheques even pertained to the year 1941. Steps should be taken to disburse or cancel these cheques after necessary enquiries as to the reasons for their non-delivery without any further delay.

39. *Reasons for delay in passing bills.*—Instances came to notice, showing that there was undue delay in passing bills. Paragraph 291 of the Accounts Code requires that bills passed by the assistants shall, after being passed by the Deputy Chief Accountant, be placed before the Accountant for a certificate as to the delay in passing the bills, any unreasonable delay being reported to the Chief Accountant after obtaining necessary reports from the office concerned. No orders of the competent authority could be produced to show that this procedure had been dispensed with. The rule should be strictly followed in future.

40. *Receipt for cheques sent to the Treasurer.*—No receipt for cheques and bills sent daily by Section II (Audit of disbursements) to the Treasurer for disbursement was obtained from him. (Breach of paragraph 400 of the Accounts Code, Second Edition, 1919.) This should invariably be done in future to ensure the delivery of cheques to the proper persons and to provide against any cheques or passed bills being lost or placed in wrong hands.

41. *Office Establishment List.*—There shall be one printed list of the entire establishment of the Corporation, which shall be revised annually to the end of May (*vide* paragraph 216 of the Accounts Code). This annual list was last published in 1940. No list, corrected up to date, was available to the Commission for inspection. This list is a very important document, which is essentially necessary for the purpose of determining the seniority of the officers and assistants in case of promotions, etc., and the work should not have been neglected in the way it has been done.

42. *Works Register.*—(a) In several cases the prescribed columns in the Works Register for showing the date of execution of contract, commencement of the work and its completion were not filled in.

(b) The entries in the Register did not bear the initials of anybody. In several cases the fact of acceptance of tenders was not noted in the space provided for the purpose in the Register.

43. *Cash Book.*—In accordance with paragraph 505 of the Accounts Code the transactions of each day should be written up in the Cash Book by the close of the following day. Each day's transactions entered in different volumes of the Cash Book should also be totalled and balanced daily in the last volume, the totals of debits and credits in the other volume or volumes being carried over to this volume, *vide* paragraph 515, *ibid*. The due dates were not observed, e.g., on the 17th June 1949, the date of investigation, the transactions of 10th May 1949 were being recorded. Postings for more than a month were therefore in arrears at the time.

Certain departments and offices, particularly the Law Department, the Chitpore Slaughter House, Halsibagan Slaughter House sometimes

send their chalans to the Book Section very late, i.e., after more than 10 days beginning from the date in which the transactions occurred. Cases were not infrequent where mistakes committed by the departments concerned in preparing the chalans were detected by the Book Section and had to be corrected by them in consultation with the department before posting the items in the Cash Book. The Book Section has to encounter great difficulties also owing to details not being furnished in the chalans by the departments concerned. These details are necessary for posting the amounts correctly under the proper Budget heads, e.g., save and except in the case of the District Engineer III, generally no other District Engineer gave details on the reverse of the cash chalans in respect of receipts from private parties so that the amounts might be posted under the proper heads without any further reference to the department concerned. Another defect was that the Budget items, e.g., 31B(iii), 50(c)(i), etc., were not generally given in the chalans by the department concerned in order that the Book Section might verify the same and post the receipts under the proper Budget heads.

Defects like the above contribute to the delay in posting the Cash Book and, consequently, the ledger which in its turn has its repercussion on all the stages leading to the compilation of the final accounts for the year.

It is therefore of the utmost importance that the departmental heads should be made personally responsible for seeing that in future all chalans are carefully and correctly written, that they are complete in all respects, that details have been given, where necessary, that the Budget items are always indicated in the chalans and that they are transmitted to the Book Section punctually on the due date.

44. Cash Journal.—Paragraph 518 of the Accounts Code enjoins that bills after being journalised shall be placed before the Head Assistant who shall examine whether all the formalities in passing the bills have been observed and whether the debits and credits have been duly noted in the personal ledgers in respect of the bills where transactions under the debt heads occur. There was no record to show that this rule was observed. In future the Head Assistant should place a certificate on record to the effect that the necessary checks had been exercised.

45. Analysis of balances delayed.—In accordance with paragraph 532 of the Accounts Code an abstract statement of Receipts and Disbursements of the Corporation as per Cash Book together with an analysis of balances should be prepared at the close of every week and printed for submission to the General Committee at their next meeting. This return was being prepared monthly and not weekly since April 1945, and, moreover, was badly delayed as indicated below:—

Return for—	Date of submission, 1948-49.
April 1948 ..	.. 7-9-1948
May 1948 ..	.. 17-9-1948
June 1948 ..	.. 23-9-1948
July 1948 ..	.. 30-9-1948
August 1948 ..	.. 2-11-1948
September 1948 ..	.. 18-11-1948
October 1948 ..	.. 27-11-1948
November 1948 ..	.. 28-11-1948
December 1948 ..	.. 30-1-1949
January 1949 ..	.. 28-2-1949
February 1949 to May 1949 not prepared up to 24th June 1949, the date of investigation.	

The work should be brought up to date quickly.

46. Quarterly statement of demand and paper securities not added to the accounts.—At the end of each quarter, a statement of demand and paper securities account should be added to the monthly accounts (*vide* paragraph 533 of the Accounts Code). This was, however, not done. Suitable measures should be taken to see that the rule is followed in future.

47. Postings in ledger in arrears.—Paragraph 523 of the Accounts Code requires that the ledgers shall be daily posted from the Cash Book and the Transfer Journal. On 26th June 1949, the date of investigation, the postings for March 1949 only were in progress. As stated in paragraph 3 of this report, the accounts for a month were due on the 22nd of the following month. Thus, the monthly accounts were in arrears by three months. One of the reasons for the items not being posted in the ledger in time is that the postings in the Cash Book from which the ledgers are to be posted are not regularly made, *vide* paragraph 43 of this report.

48. Reconciliation of balances.—(a) The annual accounts for the year 1946-47 had been closed on 28th September 1948, but the reconciliation of the difference between the figure as per list of "unpaid wages" and that in the ledger in respect of the same head was not completed before June 1949.

(b) Paragraph 547 of the Accounts Code lays down that before the publication of annual accounts, lists should be made out showing the outstanding balances on the 31st March under the different balance heads in the main ledger and the balance shall be verified with the corresponding figures shown in the subsidiary books and the statements furnished by the heads of departments and the Imperial Bank of India. In case of discrepancies being found between the two balances, reconciliation shall be made as early as possible. The statement printed at page 140 of the Accounts Code shows the particulars of the balances referred to above. A few of the items are quoted below for reference:—

Accounts in the Main Ledger.	Statement of accounts with which verification is to be made.
(1) Cash with the Imperial Bank Pass Book. Bank of India.	
(2) Cash with treasury ..	Treasurer's Cash Book and Treasury Balance.
(3) Advance Imprest ..	Certificates from the heads of departments.
(4) Advances—miscellaneous..	Personal Ledger.

At present, the balances as worked out in the ledger are not attested by any one nor is it recorded therein whether the necessary reconciliation as per figures indicated in column 2 above was duly made. It is suggested that as indicated in paragraph 547 of the Accounts Code these ledger balances should in future be attested by the Chief Accountant and a certificate of the fact of agreement of the figures in the Main Ledger with those in the document or documents indicated in column 2 above recorded in the Main Ledger under his initials. In case of non-agreement, a certificate to the effect "Reconciled with except Rs.....which is being settled or is due to the following reasons.....", should be recorded in the ledger under the initials of the Chief Accountant.

The accounts for a year are not complete until the ledger balances have been reviewed and duly verified and it is important that the reconciliation of these balances should be closely watched by the Sections concerned and the Chief Accountant.

49. Postings of Sinking Fund transactions heavily in arrears.—Postings of transactions in the Cash Book, Journal and Ledger of Sinking

Funds for repayment of loans were found to be in arrears for more than a year. They should be brought up to date as quickly as possible and suitable steps taken to prevent accumulation of arrears in future.

50. Non-verification of Stock Accounts.—Paragraph 984 of the Accounts Code requires that a yearly account of Tools and Plants shall be submitted by the various departments of the Corporation to the Chief Accountant within the first week of the following year. On their receipt, they are sent to the Stock-Verifier concerned for verification by actual count and reporting the results to Section IV (Store Audit Section) of the Accounts Department where they are checked and discrepancies, if any, reconciled or steps taken for making recoveries from the persons responsible for any shortage or for writing off the amounts in the accounts of the Corporation by obtaining the orders of the competent authority. The returns due on this account numbered about 600 during 1947-48 and in accordance with the rule quoted above all these should have reached the Accounts Section by the first week of April 1948. It was, however, gathered that none of these returns had been received in the Store Audit Section from the officers and departments and institutions concerned on the due date, but had generally been delayed for several months, e.g., about 300 returns were outstanding on 14th August 1948, 158 on 1st October 1948, and 17 on 11th January 1949. It appeared that out of the 600 returns, only 98 had been verified by the Stock-Verifiers up to 10th May 1949, leaving a balance of about 500 which still remained with the Stock-Verifiers concerned pending verification, some of them since July 1948, and which included such large departments as the Entally Workshops, Motor Vehicles Department and the Watgunge Pumping Station. As for 1948-49, not more than 80 of these returns had been received in the Store Audit Section up to 10th May 1949. These returns had been sent to the Stock-Verifiers for verification, but none of them had been received back in the Accounts Section after verification up till the time of investigation in May 1949. It may be mentioned in this connection that a very large number of such returns pertaining to the year 1945-46 and the bulk of the returns relating to 1946-47 which had been sent to the Stock-Verifiers concerned for verification had not been received back from them, duly verified. This state of affairs shows that not only was the stock not verified at least once a year as required in paragraph 987 of the Accounts Code but that the work was very badly neglected, although articles worth lakhs of rupees were involved. Special arrangements should be made to have the entire stock verified as quickly as possible. As the verification was not made regularly in previous years, it is all the more necessary that the work should be taken up at once. It would not be out of place to mention here that out of the four Stock-Verifiers appointed in the Corporation, two, viz., Sri Kartic Chandra Mukherjee and Sri Jogesh Chandra Chakravorty, retired from service with effect from 21st March 1946 and 1st April 1948, respectively, but the vacancies have not yet been filled up, with the consequence that the work of verification of stock has been suffering very badly.

51. Stock at depot.—Out of the stock at the 43 depots, stock at 22 or 23 depots was only verified in 1946-47. It appeared that stock at about 7 depots had not been verified at all by the Stock-Verifiers concerned in 1947-48 and that at about 8 depots in 1948-49 no reports of verifications having been received in the Store Audit Section up to 12th May 1948. Under paragraph 47 of the Accounts Code, a complete stock-taking of the stores should take place once a year as near as may be to the 31st March. The work should be brought up to date as early as possible.

52. Heavy arrears in respect of postings in the various Store Ledgers.—At the time of investigation in May 1949, it was noticed that no postings at all had been made in the Store Ledgers (both "priced" and "unpriced" numbering more than 20) practically for the whole year of 1948-49. Only in a few cases, postings of transactions up to May 1948 only had then been completed.

This is a very unsatisfactory state of affairs and special arrangements should be made to bring this work up to date and to see that no arrears accumulate in future.

53. Agreement of Store Ledger Balances.—Paragraph 485 of the Accounts Code enjoins that a yearly abstract of Priced Store Ledger Balances shall be prepared by the Store Audit Section to prove them by the balances of the Ledger of Section I (Book Section).

No record could be produced by the Section to show that any such abstract in the prescribed form in respect of the years 1946-47 or 1948-49 was prepared in the Store Audit Section and agreed with the balances of the ledger maintained in the Book Section. This should invariably be done in future and the fact of verification recorded under the dated initials of the Head Assistants of both the Sections concerned.

54. Half-yearly return of stores at yards and depots.—In accordance with paragraph 986 of the Accounts Code, a balance return of stores lying at the several yards and depots shall be prepared by the Controller of Stores and submitted to audit every half-year. It is noticed that this return is submitted to audit every year and not every half-year. No orders could be shown in support of the returns being furnished once a year only. In the absence of any orders to the contrary, the return should be submitted half-yearly.

55. Agreement of balances of the Vendors' Ledger.—Paragraph 477 of the Accounts Code requires that yearly abstracts of the balances of the Vendors' Sub-Ledger shall be prepared to prove them by the balance of the ledger of Section I. Although the accounts of the Corporation of Calcutta for the year 1946-47 had been closed, the balances for 1945-46 had not been agreed with those in the Book Section Ledger. From some rough sheets worked out in the Store Audit Section, it was noticed at the time of investigation that there was some small difference (amounting to Rs. 51-12) which was under reconciliation. The abstracts of the balances relating to the year 1946-47 were not then completed.

It is highly desirable that the abstract of balances for a year should be prepared and agreed with the balances shown in the Book Department Ledger under the initials of the Head Assistants of both the Sections before the accounts of the year are closed. This is not done at present.

56. Delay in preparation of Store Purchasing Account.—A monthly account of all stores purchased should be prepared by the Store Audit Section for inclusion in the ledger in Section I (Book Section) by the 10th of the following month, *vide* paragraph 462 of the Accounts Code. These accounts were, however, delayed as indicated below:—

Accounts for—	Date of submission, 1948-49.
April 1948	14-6-1948
May 1948	21-7-1948
June 1948	17-8-1948
July 1948	8-9-1948
August 1948	27-10-1948
September 1948	1-12-1948
October 1948	17-12-1948
November 1948	30-12-1948
December 1948	12-1-1949
January 1949	22-2-1949
February 1949	22-3-1949
March 1949	22-4-1949

57. *Copies of contracts.*—Paragraph 457 of the Accounts Code lays down that copies of contracts with the specification and schedule of rates shall be forwarded by the Secretary to the department concerned and to the Chief Accountant to ensure timely supply. While copies of the specification and schedule of rates were forwarded to the Store Audit Section, the copies of contracts were not sent. The rule should be strictly followed in future so that the contracts might be readily available at the time of checking and passing each bill.

58. *Daily reports of Gowkhana.*—Daily reports of Gowkhana as mentioned in paragraph 498 of the Accounts Code, showing the sanctioned strength of carts and animals as well as the number actually at work and the receipt, consumption and balance of each kind of fodder were not promptly received in the Accounts Department for the purposes of check, e.g., the reports due from District IV Gowkhana since 1st May 1949, were not received in the Accounts Department, even on the 12th May 1949, the date of investigation. It is desirable that the report should reach the Accounts Department in time. It is also suggested that in the column "Sanctioned Strength" in the form of the report, the orders of the competent authority fixing the strength should be recorded to enable the Store Audit Section to exercise efficient check. This is not done at present.

59. *Weekly and Monthly Reports of Stock-verifiers.*—Paragraph 45 of the Accounts Code requires that the Stock-verifier shall submit to the Chief Accountant a weekly report of his work and a special report every month setting forth in detail how far he has performed the duties laid down for his guidance. No such weekly or monthly report could be produced for inspection. Such reports should be duly submitted to the Chief Accountant in future.

60. *Comparison of monthly actuals with the estimates not made regularly.*—Paragraph 455 of the Accounts Code lays down that not later than a week after the publication of each month's accounts, the Chief Accountant shall prepare and submit to the Corporation for presentation to the General Committee a statement in a prescribed form comparing the actuals with the forecast month by month noting reasons for excess or shortage, as the case may be, against all items which require explanation. As the preparation of monthly accounts in the beginning of the year is delayed owing to the compilation of annual accounts of the preceding year, the first comparison of Forecast and Actuals will be submitted in a consolidated form to the end of the first month in which the accounts cease to be in arrears. No such statement was, however, prepared and submitted to the Corporation. The importance of the statement cannot be over-estimated as it enables audit to keep a strict watch over the progress of receipts and expenditure and to ascertain at once that the money expended has been applied to the purpose or the purposes for which the grants were intended and that it does not exceed the amount of the estimate. Unless the review as indicated in the rule referred to above is conducted regularly, serious difficulties would arise at later stages in finding out causes of excess or irregular expenditure, if any, and also in reconciling figures, and would result in delay in closing the annual accounts of the Corporation. The rule should be strictly followed in future.

61. The broad facts emerging out of the foregoing survey of the working of the Accounts Department of the Corporation of Calcutta may now be summed up. A net outstanding demand amounting to about 1 crore and 20 lakhs of rupees on account of consolidated rate and other revenues had been allowed to accumulate practically without any effective protest and objection (*vide* paragraphs

4, 11, 12, 15 and 20A of this report). On the expenditure side also, lakhs of rupees had been paid without obtaining prior sanction of the competent authorities (*vide* paragraphs 27 and 28 of this report). Proper care was also not taken to adjust or recover, as the case might be, lakhs of rupees which represented the net outstanding amount on account of advances granted by the Corporation to various parties including its own officers (*vide* paragraph 17 of this report). The work of verification of stock which contained articles worth lakhs of rupees was also sadly neglected (*vide* paragraphs 50 and 51 of this report). The financial position of the Corporation has badly deteriorated owing to serious lack of vigilance on the part of the Executive and Administrative authorities as well as of the Accounts Department. As regards irregularities the cases were numerous and some of them were pretty serious. There was chronic violation of numerous statutory rules and huge arrears of work had been allowed to accumulate without any timely or effective steps to stem the tide.

It will be no exaggeration to state that there was little check or control over the work of the assistants, the head assistants and the officers in charge of the Sections, which has eventually resulted in such a deplorable state of affairs. There was no system of maintaining an approved duty list showing the duties allotted to each assistant. No calender of returns was maintained in the Accounts Sections, showing the due and actual dates of various items of work and of returns due to and from the sections. Nor was there any system of submission of a monthly report of arrear work to superior authorities. No record could be produced to show that the sections were inspected from time to time by the officers-in-charge. Under paragraph 32 of the Accounts Code, the Head Assistant should initial and date the registers, books and papers kept by assistants at least once a week, and shall forthwith report to the Chief Accountant the name of any assistant whose work is found to be in arrears. No records could be produced to show that this was done. All registers kept in a Section should be examined by the Head Assistant regularly. For the purpose of the record of inspection by a Head Assistant, an inspection certificate has to be attached to each register which shall also bear a label noting the dates of inspection prescribed (*vide* paragraph 33 of the Accounts Code). This was, however, not done. Under paragraph 34, *ibid*, the Accountant shall examine the accounts of the Accounts Department under instructions from the Chief Accountant and shall keep a note-book of the irregularities coming to his notice and that the note-book shall be placed before the Chief Accountant on the first working day of the week. This was also not done.

According to paragraph 12 of the Accounts Code, the Deputy Chief Accountant shall submit to the Corporation through the Chief Accountant a half-yearly report on the efficiency or otherwise of every Section at the Head Office, and of the Accounts establishments of other departments. No such report was, however, submitted. Had this been done regularly and remedial measures taken, where necessary, serious irregularities of the type noticed in this report could have been nipped in the bud. This is a very important report and should be carefully prepared and submitted regularly in future without fail and the Chief Accountant should personally see that this is done.

It was also found that in many registers maintained in the Section of the Accounts Department no initials of the assistants making entries therein were taken in order to authenticate the entries. This was also the case in regard to receipt of letters made over to them for disposal. In the event of a dispute arising as to whether any entry in a register was or was not made by a particular assistant and whether any particular document was

or was not received by an individual, it would be difficult to fix responsibility. It is desirable that the work should be done in a businesslike way and that the entries should be duly authenticated.

The defects pointed out above should be remedied and the department may be reorganised as suggested in the various paragraphs of this report and on the lines indicated below:—

A Head Assistant has to supervise the work of assistants varying from 8 to 31. It seems hardly possible for a single Head Assistant to supervise the work of, say, more than 10 or 12 assistants. It is therefore suggested that a few posts of Senior Assistants immediately below the rank of Head Assistant and above that of the Assistants may be created. The Senior Assistants may be appointed to exercise direct supervision over the work of, say, 10 or 12 clerks according to the importance of the Sections. The routine work of the assistants may be checked by them, only important work being submitted to the Head Assistants. This will of course involve some extra cost but for the sake of efficient working of the department the adoption of this scheme seems to be imperative.

It should be clearly impressed on the Head Assistant of each section that he is responsible for the work of his section and is expected to see to the regular and efficient discharge of the duties. He should bring to the notice of the Officer-in-charge any flagrant delay or persistent neglect of duty on the part of his subordinates and should exercise a careful supervision over his men and see that every man is adequately employed, properly discharges the duties assigned to him and turns out a fair day's work. He should also see that the provisions of the Codes and Regulations are correctly applied and strictly adhered to and should on no account allow any deviation without the express orders of the superior authority.

The Head Assistant should also keep a calendar of returns showing all reports and returns due from his Section with the dates fixed for their completion and submission to the Officer-in-charge or despatch elsewhere. In this calendar, the returns should be classified according as they are weekly, monthly, quarterly, half-yearly or annual returns. The calendar may be in the following form:—

- (1) Name of return.
- (2) To whom due.
- (3) Due date.
- (4) Reference to authority.
- (5) Date of submission or despatch
(with monthly columns for 12 months).

The calendar should be submitted once a week to the Officer-in-charge of the Section for review and the result of review should be placed on record.

The Head Assistant should be made personally responsible for drawing up reports on the state of work in each section as it actually stands on the last day of each month in a form to be prescribed for each Section and getting them passed by the Officer-in-charge. These reports together with the calendar of returns should be submitted to the Chief Accountant and on the morning of the first working day of the next month they should be submitted to the Chief Executive Officer. There should not be any delay in the preparation and submission of this report by the Head Assistant.

Surprise inspection of the Section should be frequently made by the Executive Officers in future and disciplinary action taken by them in the case of default or neglect of work on the part of any employee, which should be noted in the character roll and taken into account whenever the question of any increment or promotion arises. If owing to abnormal increase of work for any reasons, it be not possible to keep the work current by distributing it among the assistants of the Section, the matter must be brought to the notice of the Chief Executive Officer for making such arrangements as he may think necessary to cope with the extra work, which should ordinarily be by transferring temporarily one or more assistants from other departments, if possible, or appointing temporary staff where necessary.

Every employee while taking over charge of his duties from another even temporarily is expected to ascertain whether the work is absolutely up-to-date, and to report at once to his immediate superior any arrears or irregularities he may notice, in order that prompt action may be taken. If no such report is submitted, the officer assuming charge remains responsible for the state of work under his charge including any arrears or irregularities that may exist.

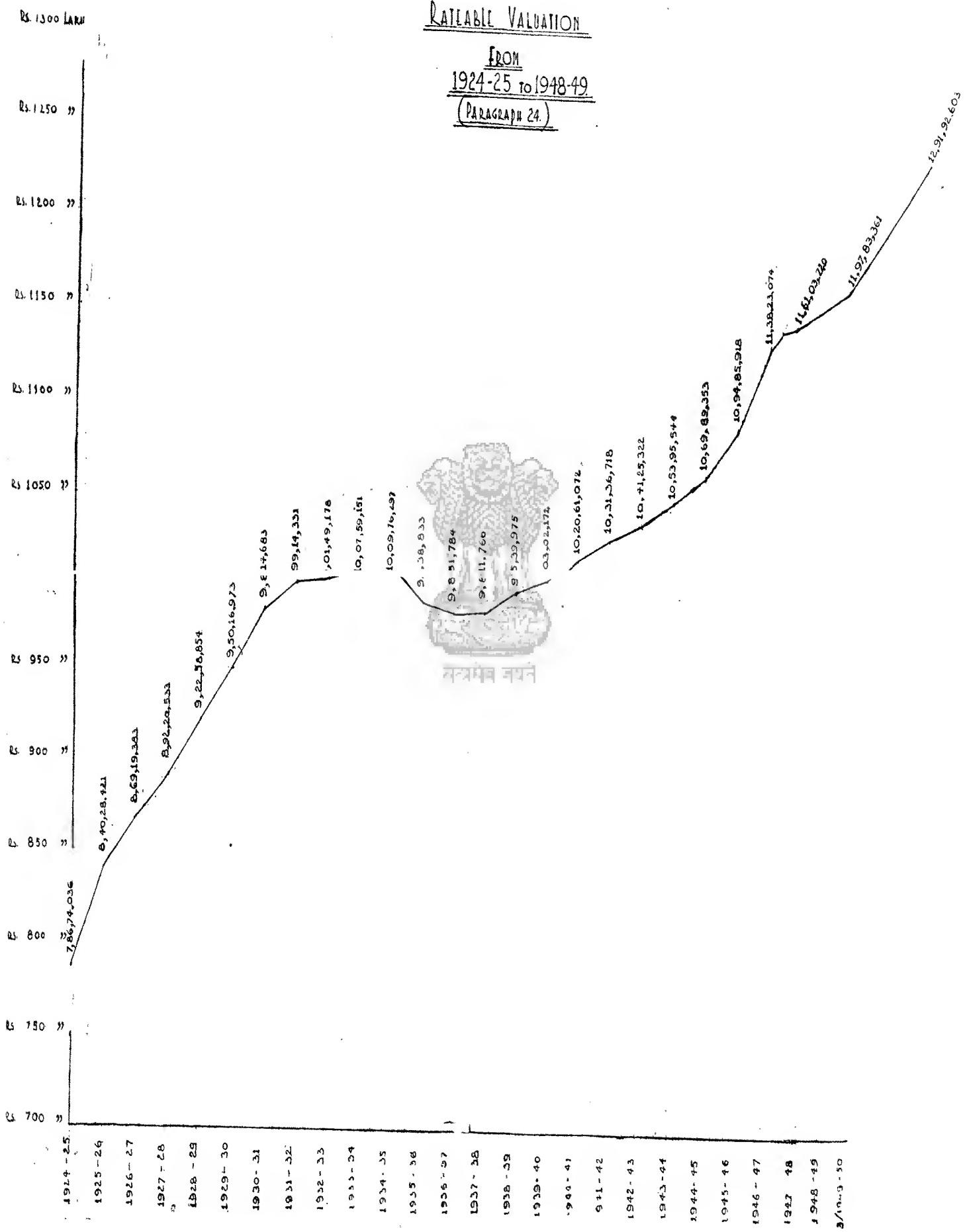
Finally, as stated in paragraph 1 of this report, in running the Accounts Department, the Chief Accountant and Manager of Provident Fund is assisted by three officers, viz., the Deputy Chief Accountant, the Accountant and the Assistant Manager, Provident Fund. One of the functions of the Chief Accountant is that he acts generally as the Financial Adviser of the Corporation. The accounts of all other departments and offices of the Corporation are also subject to inspection either by himself or his assistants under his orders at any time. The duties allotted to the Chief Accountant and Deputy Chief Accountant are indicated in Chapters I and II of the Accounts Code. In view of the increase in the volume of work as a result of the gradual increase in the number of rate-payers, growth of establishment and the consequential increase in the activities of the Corporation and particularly in view of the series of irregularities and serious lack of control as revealed in this report, it is suggested that the Chief Accountant and Manager of Provident Fund should be relieved of some of his routine duties so that he might have more time for dealing with important financial matters and for inspection work, and exercise closer supervision over the working of his department.

The post of the Deputy Chief Accountant was created in 1916-17. Since then, certain new departments have been added to the Corporation, e.g., Electricity, Drainage Extension, Mosquito Control, Commercial Museum and Publicity, Motor Ambulance, Food Supply, Motor Vehicles, Education, etc. In addition, two suburban municipalities (Maniktolla and Cossipore-Chitpore) were amalgamated with the Corporation of Calcutta in 1924. All this entails considerable additional work in the Accounts Department. The post of the Deputy Chief Accountant is the main clearing channel for bills and files passing through the Accounts Department. It appears that in the present circumstances it is not possible for a single officer to deal properly and efficiently with such a huge volume of work and it is high time that the post of a 2nd Deputy Chief Accountant is created the present duties of the Deputy Chief Accountant and the routine work of the Chief Accountant (as indicated in the foregoing sub-paragraph) being suitably distributed among the two Deputy Chief Accountants. This will no doubt involve some extra cost. But the burden will have to be shouldered if matters are to improve and the efficiency of the department is to be restored.

CHART SHOWING RISE AND FALL
IN

RAILABLE VALUATION

FROM
1924-25 to 1948-49
(PARAGRAPH 24.)



CHAPTER XXIV.

Finance.

The main sources of income of the Corporation are—

- (1) Consolidated rate.
- (2) License fees.
- (3) Markets, slaughter houses and Dhebi-khana.
- (4) Sale of water.
- (5) Rent of land.

To income from these sources are added such income as is derived from fees under certain heads and fines as also certain contributions from Government including the contribution on account of the licensing of motor vehicles. Generally speaking, the powers of the Corporation to impose and collect taxes under the different heads are laid down in the several chapters under Part IV of the Calcutta Municipal Act of 1923.

2. The principal items of expenditure are (1) establishment which includes salaries and wages, pensions, gratuities, compassionate and other allowances; (2) expenses on works which include maintenance and repairs as also construction of new works; (3) purchase of stores; (4) contribution for and repayment of loans; (5) interest on loans; (6) law charges; (7) compensation; (8) rent and other charges; (9) refund of deposit; (10) grants to hospitals, schools and libraries.

3. The Corporation is required under the statute to meet certain extraordinary charges, e.g., (1) a yearly payment of 2½ lakhs of rupees to the Garden Reach Municipality under section 90(A), (2) a yearly expenditure of a sum not less than a lakh of rupees under section 91 for the purpose of primary education among boys between the ages of 6 and 12 years and girls between the ages of 6 and 10 years residing in Calcutta, (3) payments to be made annually to the Calcutta Improvement Trust Fund.

4. Chapter VII of the Act lays down the conditions regarding the framing of the Annual Budget. Under section 93 the Chief Executive Officer is required on or before the 10th day of February to cause to be prepared and lay before the Corporation—

- (a) an estimate of the expenditure which should in his opinion, be incurred by the Corporation in the next ensuing year,
- (b) an estimate of receipts from all sources during the said year,
- (c) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year, and
- (d) a statement of proposal as to the taxation which it will, in his opinion, be necessary or expedient to impose under this Act in the said year.

5. Section 94 lays down—

(1) The Corporation shall consider the estimates and proposals submitted by the Executive Officer under section 93 and shall thereafter—

- (a) on or before the twenty-second day of March in each year frame and adopt a Budget Estimate of income and expenditure for the ensuing year, and
- (b) determine, subject to the provisions of Part IV, the levy of the consolidated rate and taxes for the said year at such rates as are necessary to provide for the purposes mentioned in sub-section (2):

Provided that, except under section 18 or section 96, the rate so determined shall not be subsequently altered for the year for which they have been determined.

(2) In such Budget Estimate, the Corporation shall, among other things,—

- (a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed by this Act,
- (b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Corporation may be liable in respect of loans contracted by them, and
- (c) allow for a cash balance at the end of the said year of not less than six lakhs of rupees.

The two sections together envisage the preparation of a budget balancing the estimated expenditure with the estimated income in a way so as to leave a cash balance at the end of the year.

6. The statutory cash balance which a year's budget must show is six lakhs of rupees. Whether that amount can fulfil the purpose for which such balance is meant is another matter which we shall deal with later on. Apparently, there is a lacuna inasmuch as in section 93 of the Act there is no provision which makes it obligatory on the part of the Chief Executive Officer to show any closing cash balance in his estimate of receipts and expenditure. The safeguards in sections 15, 16, 17, 18 or 19 do not apply to a failure on the part of the Corporation to frame and adopt a budget within the prescribed time. The purpose of a closing balance is to make available adequate funds out of which the normal expenditure of the first two months, which is invariably a lean period, of the succeeding year may be met. Under section 93 the Chief Executive Officer is not definitely required to balance his estimate of receipts and expenditure so as to obtain a closing balance of the required amount. We consider it necessary that section 93 should be so amended as to make it obligatory on the part of also the Chief Executive Officer to so prepare his annual estimate of receipts and expenditure as to show a closing balance of the required amount. A closing balance in the Chief Executive Officer's budget is necessary so that when it reaches the Corporation a search for a balance may not start at that stage. Although section 94(1) (a) makes it obligatory on the part of the Corporation to pass the budget on or before the 22nd day of March, there is nothing in the Act which prescribes the remedy in the event of the Corporation failing to do so. The old Act (Calcutta Municipal Act, 1899) prescribed such remedy in proviso (b) to section 125 of that Act. We consider it necessary that a similar provision should be made in the present Act making it obligatory on the part of the Chief Executive Officer to show a cash balance at the end of the year in his budget under section 93 so that that budget may be deemed to be the budget of the Corporation finally adopted and the municipal rates and other taxes authorised to be levied at the rates provided for therein in the event of the Corporation's failure to adopt a budget within the prescribed date.

7. The statutory cash balance of six lakhs of rupees under sub-section (2) of section 94 is too meagre under the growing conditions of the Corporation to meet its obligatory charges of the first two months of a year. From that point of view the Corporation decided on the 13th September 1935 that the closing balance should be 40 lakhs of rupees every year. Whether that resolution of the Corporation remained a mere pious wish or not, or was actually followed in practice, will be examined in the proper place. The fact remains that the provision of the Act prescribing a cash balance of six lakhs of rupees should be revised and a minimum balance of at least 30 lakhs of rupees should be prescribed.

8. The statement below showing the estimated receipts as per budget of the 10 years from 1938-39 to 1947-48 as against the actuals of those years will be telling:—

I. *Receipts.*

Year.	Budget Estimate.	Actuals.	
		Rs.	Rs.
1938-39	..	2,49,05,000	2,39,18,851
1939-40	..	2,50,73,000	2,57,77,014
1940-41	..	2,54,77,000	2,56,10,254
1941-42	..	2,60,20,000	2,38,18,264
1942-43	..	2,61,47,000	2,58,46,333
1943-44	..	2,52,53,000	2,85,64,427
1944-45	..	2,89,93,000	2,73,03,428
1945-46	..	3,11,24,000	3,03,66,923
1946-47	..	3,70,88,000	3,74,56,779
1947-48	..	4,11,93,000	4,17,74,149

It will be seen from the above figures that actuals fell short of the Budget Estimate in 4 out of the 10 years, viz., 1938-39, 1941-42, 1942-43 and 1945-46. In 1942-43 the actual receipts included a sum of Rs. 10,00,000 as ways and means advance from Government. In 1943-44 the receipts included Rs. 10,00,000 as Government subvention and Rs. 5,50,000 as Government's share of the moiety of contribution towards War Risks Insurance of the Corporation Factories. A further amount of Rs. 4,87,400 was diverted from the Loan Fund for War Risks Insurance of the Corporation Factories and another sum of Rs. 8,00,000 diverted from the reserve fund. In 1944-45 also, although the statement shows the actual receipts exceeding the budgeted income, the actuals included a subvention of Rs. 10,00,000 from Government. In 1945-46 actuals which were less than the budgeted estimate included a sum of Rs. 12,80,000 received as ways and means advance from Government for purchase of motor lorries. In 1946-47 actuals of receipts which exceeded the estimated receipts by about Rs. 4,00,000 included a sum of Rs. 29,90,500 in ways and means advance from Government. In 1947-48 the receipts included a sum of Rs. 12,50,000 diverted from the Corporation Insurance Fund and Rs. 50 lakhs received from Government as ways and means advance. The Revenue receipts of the different years also included the following amounts derived by sale of Corporation lands:—

Sale of lands.

Year.	Rs.
1944-45	.. .. 5,95,074
1945-46	.. .. 9,16,246
1946-47	.. .. 4,95,602
1947-48	.. .. 68,793

The sale-proceeds of land were credited to the Revenue account against the Corporation's own rule to credit $\frac{2}{3}$ of such income to the Loan Account and $\frac{1}{3}$ to the Revenue and against the cardinal doctrine that sale-proceeds of concrete assets should be set apart as capital receipts and should not go to meet ordinary current expenditure.

9. The above analysis of the figures shows that a substantial part of the Corporation receipts, year after year, was drawn from extraordinary sources outside normal revenue and in that way the gap between the Budget Estimate and actual receipts was somehow bridged.

10. Before we proceed to examine how receipts of a year could cope with the expenditure, it will be interesting to enter into the practice and method adopted by the Corporation in its framing of the budget. The Chief Executive Officer placed his estimate of income and expenditure before the Corporation and it was then referred by the Corporation to a Budget Special

Committee which was scarcely guided by the purely financial objective of balancing receipts and expenditure but was more often than not interested in finding money for increased grants to institutions with which they might be directly or indirectly connected. It was at that stage that the real question of finding a cash balance at the end of the year arose and this was done in an amateurish way by the Budget Special Committee by a thoughtless scratch here and a scrawl there. A few instances quoted from the accounts of 1947-48 will show the divergence between the estimated and the actual receipts under certain heads. The estimated income from sale of surplus land and structures was Rs. 19,53,000 against actual receipts amounting to only Rs. 68,793. Under the head "Rent from spare lands, buildings, squares and tanks," a sum of Rs. 1,93,710 was realised against the Budget Estimate of Rs. 6,64,000. The estimated receipts on account of fees for advertisement in the *Calcutta Municipal Gazette* was Rs. 25,000, the actual receipts being only Rs. 7,665. Against the Budget Estimate of Rs. 1,50,000 on account of fees from verandahs and projected structures, the actual receipts amounted to only Rs. 79,000 odd. Plan fees were estimated to yield an income of Rs. 20,000 but the actual income was only Rs. 3,000. An estimated income of Rs. 70,000 on account of fees from foundation footings actually yielded very much less than half that sum. One would expect the estimate of income from markets to be based on somewhat accurate figures, but the actual receipts in 1947-48 fell short of the budgeted figure by more than a lakh of rupees. A sum of Rs. 6 lakhs was included in the estimated income year after year as arrear rates due from Government on account of the Council House although Government had long denied their liability on that account and the Corporation knew that that money was not forthcoming.

11. It was sheer waste of time the Budget passing through the Special Committee which was incapable of realising the object of that task and only confused matters. In our opinion, it should be mandatory for the Chief Executive Officer to prepare a balanced Budget with the necessary closing balance shown in it and his Budget examined and approved by the Standing Finance Committee, should go straight to the Corporation for its sanction.

12. The following table shows estimated expenditure, actual payments and the amount of bills payable at the close of each year from 1938-39 to 1947-48:—

II. *Expenditure.*

Year.	Budget estimate.	Unpaid bills at the close of the year.		
		1	2	3
		Rs.	Rs.	Rs.
1938-39	..	2,72,88,000	2,52,74,979	30,09,568
1939-40	..	2,73,63,000	2,45,32,513	32,62,670
1940-41	..	2,74,54,000	2,59,55,711	27,58,759
1941-42	..	2,55,25,000	2,45,29,836	27,24,102
1942-43	..	2,61,69,000	2,31,55,275	23,64,272
1943-44	..	2,66,96,000	2,59,81,787	25,80,302
1944-45	..	2,83,15,000	2,63,03,098	24,98,458
1945-46	..	3,06,13,000	2,85,35,810	26,96,368
1946-47	..	3,86,47,000	3,79,52,599	26,85,998
1947-48	..	4,10,99,000	3,93,84,936	37,72,356

We shall deal in some detail with figures in column 4. Those figures show the expenditure already incurred but not paid within the year. The reason for non-payment of the bills was more or less intentional and not incidental to the normal course of business. Failure to pay was the result of financial stringency. Payment of bills was withheld towards the end of the year

for the simple reason that there were no funds or that available funds would not permit payment without landing the Corporation in a tight corner during the lean months of the succeeding year leaving nothing to fall back upon to meet the essential establishment and statutory charges during the first two months.

13. Before starting to examine whether expenditure of a year was well within receipts of that year, it will be seen at a glance that actual expenditure and the amounts of unpaid bills together invariably exceeded the estimated expenditure. A comparative study of the statements I and II above unmistakably show that the budget, year after year, presented an inflated estimate of receipts and inaccurate estimate of expenditure.

14. The following table showing assets realisable at the end of the year during the decennial under review will be interesting:—

III. Unrealised Assets.

Year.	Bills realisable at the close of the year. Rs.
1938-39	75,18,165
1939-40	70,06,362
1940-41	66,75,231
1941-42	81,04,697
1942-43	81,94,446
1943-44	78,84,239
1944-45	79,48,720
1945-46	82,38,869
1946-47	1,02,10,076
1947-48	1,26,72,633

15. To reckon these amounts as realisable assets is a mere fiction of the budget. The figures show at a glance how the so-called assets composed of unrealised bills at the close of the year grew by leaps and bounds from Rs. 75,18,000 at the end of 1938-39 to Rs. 1,26,72,000 at the end of 1947-48. In fact in the amount shown as assets are included bills which are definitely irrecoverable. Even amounts proposed to be written off are included so long as the formality of writing them off is not complete. The bills are generally unrealised rate-bills which have been fully dealt with in the relevant Chapters on Assessment, Collection and the Law Department. Suffice it to say that a very large portion of those bills find their ultimate burial in the Law Department. And the one fact as to how these so-called assets have remained unrealised and have increased from year to year is proof enough of the fictitious nature of them. Apparently the amount of unpaid liabilities at the end of the year which is comparatively smaller than unrealised assets would have given no cause for concern had those assets been as real as the liabilities.

16. We now proceed to lay a table containing figures of actual receipts and actual expenditure during the preceding 10 years from 1938-39 to 1947-48:—

IV. Statement of Actual Receipts and Actual Expenditure.

Year.	Receipts, actuals. Rs.	Expenditure, actuals. Rs.
1938-39	2,39,18,851	2,52,74,979
1939-40	2,57,77,014	2,45,32,513
1940-41	2,56,10,254	2,59,55,711
1941-42	2,38,18,264	2,45,29,836
1942-43	2,58,46,333	2,31,55,275
1943-44	2,85,64,427	2,59,81,787
1944-45	2,73,03,428	2,63,03,098
1945-46	3,03,66,923	2,85,35,810
1946-47	3,74,56,779	3,79,52,599
1947-48	4,17,74,149	3,93,84,936

17. It will be seen from the statement above that actuals of expenditure exceeded those of receipts in 1938-39, 1940-41, 1941-42, 1945-46 and 1946-47. For a proper perspective of the

real financial position of the Corporation, the fact must be remembered as pointed out that but for certain receipts of extraordinary nature during successive years, the picture would be much more dismal. Added to this the fact remains that in addition to the deliberate holding up of bills towards the end of a year somehow to scrape up a closing balance to enable the Corporation to carry on during the first few months of the succeeding years, it became necessary to hold up sanctioned works of improvement to the detriment of the services of the Corporation and the interests of the rate-payers. The following facts will exemplify:—

In 1940-41 no fund was available either for new road works or for improvement of roads in Districts II and IV. The same was the case in these districts in 1941-42. In 1943-44 except some patch repair works, no new road work or any work of improvement of roads in any of the four districts could be undertaken for want of funds as also for want of materials owing to war conditions. In 1944-45 the Engineering Department had no work to do in District I except patching up small portions of road surface with rubbish or brick metal of the total value of Rs. 7,000. In District II no road was repaired during the year not to speak of any new work of improvement being undertaken. In District III according to the report of the District Engineer "the conditions of the roads were such that a heavy expenditure in the near future was inevitable". District IV presented the same picture so far as roads were concerned for want of allotment of funds. In reporting on the work of the Kulti Outfall Scheme, the Chief Engineer observed that in its present financial position "the Corporation was unable to provide 20 per cent. of the minimum funds required for maintaining the drainage system which was completed 10 years ago". If that was a correct view in 1945, the problem of keeping Calcutta's drainage in efficient order was bound to assume a serious proportion in the present financial condition of the Corporation.

18. The instances quoted above are only in the way of illustration. Statements II and IV together unmistakably point out how from year to year expenditure exceeded the receipts. It is no wonder that the Corporation would be unable to find means to undertake any real work of improvement or to keep the existing services in a high standard of efficiency.

19. We will now proceed to examine the causes which forced the Corporation eventually to a hand-to-mouth existence. Much of the malaise is attributed to the war and the riots in 1946. The war undoubtedly created conditions which hampered progress of the city's municipality. The riots in 1946, whatever might have been their duration, also had their reaction. Neither the war nor the riots were the only or even the principal causes of set-back. We are reminded in this connection of the Government resolution No. 281-T.M., dated the 4th June 1919, on the reports of the Municipal Administration of Calcutta for the years 1915-16, 1916-17 and 1917-18 in which was reviewed the financial position of the Corporation during the continuance of the World War I.

An excerpt from that resolution will be interesting:—

"This resolution deals with the administration of the Corporation of Calcutta during the three years ending the 31st March 1918. In view of the economic strain caused by the war it might have been expected that

this period would have caused grave embarrassment to the Calcutta Corporation, with a deficient sinking fund invested in its own debenture, which could only be realised in any considerable amount at a heavy loss. The accretion of large revenue balances, on which the previous resolution commented, enabled the Corporation however, to surmount financial difficulties. Loans amounting to over Rs. 95 lakhs were repaid during the period under review, and although the Corporation provided more than Rs. 60 lakhs for this purpose from its revenue funds, it possessed a closing balance at the end of 1917-18 of no less than Rs. 45 lakhs, a fact significant of its financial strength. * * * * * According to the statement of revenue funds, actual receipts rose from Rs. 1,14,44,080 in 1915-16 to Rs. 1,23,49,448 in 1917-18 or by nearly 7·9 per cent., while payments fell from Rs. 1,10,98,520 to Rs. 1,10,88,037, the triennium closing with an actual balance of Rs. 55,52,903. On the basis of the accounts of income and expenditure, the income in 1915-16 was Rs. 1,14,30,725 and the expenditure Rs. 1,10,64,871 while in 1917-18 they amounted to Rs. 1,23,18,132 and Rs. 1,12,20,812 respectively, the closing balance being Rs. 45,12,541. * * * * * The net indebtedness of the Corporation on the 31st March 1918 excluding the accumulations in the sinking fund was Rs. 4,42,82,919 as against Rs. 4,58,80,234 on the 31st March 1915. It is satisfactory to note that this represents a decrease of Rs. 15,97,315 in the debts of the Corporation compared with an increase of Rs. 20,89,102 in their liability during the preceding triennium. * * * * * The assessed annual valuation of the city continued to increase and stood at the end of the year 1917 at Rs. 4,80,98,516 as compared with Rs. 4,34,00,000 at the end of the year 1914-15. * * * * * Both in 1916-17 and 1917-18 the percentage of collections for the consolidated rate calculated on the net demand reached the record figure of 99·8, while the collections of the license department in 1917-18 were the highest on record."

20. A look-back into the immediate past prior to the change-over to the new constitution under the Calcutta Municipal Act of 1923 under which the first general election took place on the 17th March 1924, so far as it relates to the Corporation's financial position at the time of the change-over, will not be out of place. This will provide a basis on which a comparative study will be possible and will be helpful in tracing the causes which led to the present position.

21. In the course of the 24 years during which the Act III of 1899 was in force, the annual valuation of the city rose from Rs. 219½ lakhs to Rs. 711½ lakhs. The revenue which only amounted to Rs. 52½ lakhs in 1900 rose to Rs. 182½ lakhs in 1923-24. The total indebtedness of the Corporation which amounted to Rs. 305 lakhs on the 31st March 1900 stood at Rs. 610 lakhs at the end of 1924. During the period from 1900 to 1924 various works of improvements involving heavy capital outlay had been executed. The filtered water-supply which was less than 21 million gallons per day, with unfiltered water less than 10 million gallons in 1900 increased to a total supply of 68½ million gallons per day. An extra supply of 6 million gallons was obtained by putting pressure on the pumps at Pulta in 1905-06 and the completion of Mr. MacCabe's scheme at a cost of Rs. 61 lakhs in 1911. The number of gas lights increased to

15,300 in 1924 from 6,700 in 1900. The number of municipal markets rose to 5 from 1, viz., S. S. Hogg Market and all these involved heavy capital outlay. The total receipts during the year 1923-24 amounted to Rs. 1,82,44,965 and payments amounted to Rs. 1,74,07,609. The year opened with a balance in the revenue fund amounting to Rs. 32,72,120 and closed with a balance of Rs. 41,09,476. The outstanding loan liability of the Corporation on the 31st March 1924 was Rs. 6,10,32,992 of which Rs. 8½ lakhs was due to be redeemed in 1924-25 after which no loans were repayable until 1931-32. The total loan charges on outstanding loans amounted to Rs. 41,25,635. There was still a margin of Rs. 29,26,036 available for interest and sinking fund charges on a fresh loan and a sufficient margin to permit of further substantial borrowing, both under the test of the necessary ratio between interest and sinking fund charges and the rateable valuation of the city as also of the surplus of recurring receipts over recurring expenditure, after providing for payment of interest and sinking fund charges on outstanding loans. This was no mean record of the 24 years' of working of the Corporation under the old Act.

22. Compare that picture with what the present provides. In spite of very substantial increase in the income of the Corporation, the expenditure outstrips it from year to year. A questionable device is resorted to in order to attain the fiction of a closing balance. Concrete assets are being sold off to meet the ordinary expenditure. No capital work is possible because of the exhaustion of the borrowing capacity of the Corporation.

23. A proper appraisal of the financial position must necessarily depend upon a searching enquiry into the deficiency of receipts and the growth of expenditure. Sufficiency of income can follow only from a proper fixation of demand under the various provisions of the Act and collection of such demands.

Demands.

Consolidated rate.

24. The consolidated rate which, as already pointed out, is the mainstay of the Corporation funds, is fixed on a certain percentage of the annual valuation of all lands and buildings. The annexed curve shows the variation in the annual valuation from 1924-25 to 1948-49. We have shown in Chapter III Assessment—how holdings were undervalued resulting in under-assessments and depletion of demand. Not only there were under-assessments but there were many cases of non-assessment also. In the 8 years from 1938-39 to 1945-46, the demand on account of consolidated rate increased only by 11 per cent. while during the same period it increased by 35 per cent. in Madras Corporation and 31 per cent. in Bombay Corporation.

The results of the Sample Survey carried out under Government order in 1947 as also the new re-valuation which is going on, are in agreement with our estimate that valuation properly determined should have been higher by at least 50 per cent.

[See Graph of Chart showing Rise and Fall, etc.]

25. Until 1947 the Corporation had not thought it fit to revise the rate of tax which remained static at 19½ per cent. for over half a century since 1890, in spite of a rapid growth of expenditure both on account of the necessity that arose for improvement of all the essential services consequent upon the growth of the city, as also because of the rise in the prices and the cost of establishment though the income failed to cope with the steadily growing expenditure.

26. *License tax and fees.*—As in the case of the consolidated rate, this source of revenue failed to bring the income which it should have. The malady was mostly due to the absence of any effective watch kept by the superior officers on the subordinate staff entrusted with assessment and realisation of the dues under the above head.

In addition to tax on trades, professions and callings under section 175 of the Act, a further license on payment of scheduled fees is required under section 386 for permission to use premises for certain business purposes. A permission in cases falling under section 386 has to be obtained from the Health Department on whose certificate the License Officer makes the assessment and realises additional fees. A large number of parties was not assessed to license fees under section 386 during 1947-48, simply because the Health Department failed to hold the necessary inspection. The excuse was that inspection was not possible because of the communal disturbances in the city during 1947-48. That the excuse was lame is evident from the fact that nothing stood in the way of the License Department levying the necessary taxes from the same persons under section 175. As a matter of fact, there was no communal disturbance in Calcutta since August 1947. Many of those parties escaped assessment under section 386 during the years 1945-46 and 1946-47 also simply because the Health Department neglected their duty resulting in loss of income to the Corporation. Some classes of licensees are required to take out two or more licenses under different sections of the Act, but cases were noticed in which one class of license was taken while requisite licenses on other accounts were evaded. This shows utter lack of co-ordination between the License and the Health Departments.

27. Some license taxes are to be levied on the valuation of the premises in which the business is conducted, but the valuations made by the License Inspectors were different from those made by the Assessment Department for the purpose of the consolidated rate. Thus, two different valuations of the same holding could be noticed in many cases proving thereby that one or the other department purposely under-valued the holdings and the Corporation sustained loss of revenue.

28. Assessment of license taxes and fees is made once a year. Large revenue escapes because of not taking up the work of assessment at the proper time or repeating the visit as also because of lack of verification by superior officers. It is often the case that when a License Inspector visits a certain locality he finds some business premises open and others closed. It becomes a question of chance that some are taxed and others escape taxation. License Inspectors have no fear of detection of cases of omission to tax and punishment in consequence of such detection. Delay in making the assessment also leads to the same result. The inordinate gap of time between assessment and collection results in non-recovery of assessed dues.

29. We are definitely of opinion that the income from taxes on trades, professions and callings under the different sections of the Act has all along been very much less than it could have been had not the officers of the Corporation by their default created conditions which made evasion easy or possible.

30. As far back as in February 1919, the levy of an annual fee of Rs. 5 for certain classes of projected signboards over footpaths was sanctioned by the Corporation. Government Audit found out that realisation on this account was made only in one district out of four and that also did not exceed a paltry sum of Rs. 100 per year. The omission being pointed out in the Audit Report of 1945-46, the District Engineer III, who alone out of four of them, was making

the collection stopped doing it on the ground that it was no work of his, as it was none of his other three colleagues. The question as to the appropriate authority which should undertake the work remained undecided for a further period of 5 years and eventually the work was allotted to the City Architect in 1947-48. This officer complained of shortness of staff and made little progress in the collection of the revenue which was estimated at a lakh of rupees per annum. Surely the Corporation lost several lakhs of rupees by neglecting a source of income for nearly 30 years.

Markets.

31. The markets as a source of income have not yielded the revenue which was expected of them. Strangely enough, only one out of eight municipal markets is showing a surplus of income over expenditure. Chapter XI relating to markets show how on account of unbusiness-like methods and mismanagement the Corporation suffered loss of income. It will be seen from the report on the College Street Market that the Corporation took nearly a quarter of a century to decide, and that not before the Councillors had made their exit, the pending question of the revision of rent payable by the *arathdars* of that market who had been induced in 1925 to come over there on a very low rent or fee on the definite understanding that that rate would be revised after three years.

32. There was no instance in the annals of the Corporation up to the year 1944 of a general revision of rent having been made since the opening of the Hogg Market in 1874, and when that question came up in 1944, a period of shilly-shallying began which prolonged till 1948 and effective steps to implement the decision were taken only in 1949.

33. Instances have been quoted showing how Councillors lightly treated the question of augmenting the income from the markets as also how easy it was to get at a Councillor to defend the interests of a party to the utter detriment of Corporation's interests.

34. Some Councillors connected with the Markets Committee had no compunction in taking advantage of their position and luring away *arathdars* and stall-keepers of Corporation markets to private markets established by themselves so as to ruin a well-established and flourishing section of a Corporation market yielding substantial revenue.

35. Encroachments were long tolerated, rents were reduced without any justifiable cause, settlement of stalls was made without proper notice and even valuable market land alienated without proper consideration. The usual tactics resorted to was a short notice motion, sometimes outside the agenda, carried through by snap vote. All that meant serious loss of Corporation revenue.

36. By analysing the profit and loss accounts of the different markets, as appearing in the annual accounts of the Corporation for 1947-48, the following tabular information is obtained:—

Markets.	Income.	Expenditure.	Profits.	Loss.	
				Rs.	Rs.
Hogg	11,34,000	6,83,000	4,51,000	..	
College Street	2,19,000	2,44,000	..	25,000	
Lansdowne	73,000	53,000	20,000	..	
Allen	12,000	10,000	2,000	..	
Entally	72,000	78,000	..	6,000	
Lake Road	43,000	33,000	10,000	..	
Park Circus	32,000	33,000	..	1,000	
Gariahat	41,000	37,000	4,000	..	
	16,26,000	11,71,000	4,87,000	32,000	

37. It will be seen that the total income from the markets is Rs. 16,26,000, the total expenditure Rs. 11,71,000 and the net result of the year's working is a profit of Rs. 4,55,000. This profit does not take into account depreciation of the various market buildings as also the cost of superior supervision and of accounting. In the course of our inspection of the various markets we noticed signs of dilapidation of the buildings requiring urgent and extensive repairs. The stall-holders, particularly in the Lake and College Street Markets, complained of the roofs badly leaking during the rainy season. If depreciation and cost of superior supervision and accounting are deducted from the figure of profit, the net result would be little or no profit at all. Thus by incurring an expenditure to the extent of about Rs. 12 lakhs a year on markets, the Corporation practically gains nothing. This reflects no credit on the administration of the markets. The Chief Executive Officer should pay very particular attention to this branch of Corporation revenue. It is common knowledge that private markets bring large profits to their owners and it is extremely deplorable that the Corporation, owning as many as eight markets in the city, finds its investment on that account unprofitable. If the Corporation administration feels that it is beyond its competence to improve the market revenue, the transference thereof to other hands will have to be seriously considered. From what we have seen, we do think that the revenue from the markets is capable of very substantial improvement, provided malpractices are rooted out and an honest attempt on the part of the Councillors and the Corporation staff to achieve that object is made.

Dhobikhana.

38. The Corporation *dhobikhana* worked at a net loss of Rs. 4,935 in 1947-48. The principal tenants of the *dhobikhana* is the Bengal Steam Laundry & Co., who took lease of about 2 bighas of land there with certain laundry machineries belonging to the Corporation for twenty years from 17th April 1919, at a rental of, roughly, Rs. 200 and water charges at a concession rate of 3 annas per 1,000 gallons, the rate being liable to be revised by the Chief Executive Officer at the end of three years. The same rate, however, was allowed to continue for upwards of 15 years without any revision. In October 1934 the Chief Executive Officer raised the rate from 3 to 6 annas but the party objected and the Estates and General Purposes Committee requested the Chief Executive Officer to cancel his order which he declined to do as he found no justification for the continued concession either from the point of actual cost of production and supply of water or from any other consideration. The party had in the meantime defaulted payment to the extent of about Rs. 23,000 both on account of rent as also water charges. A suit was filed for the recovery of the amount. The suit, however, was not proceeded with but was compromised for a reduced amount on the basis of water rate at 3 annas per 1,000 gallons. The property was again settled with the same party from 1st April 1944. The Company again defaulted and the arrear dues rose to about Rs. 26,000 in February 1949. It further appears that some of the machineries and plants belonging to the Corporation that were allowed to be used by the Company were missing for which no action appears to have been taken. We think there is no particular necessity for a municipal *dhobikhana* in the heart of the city and for maintaining the same at a recurring loss. The *dhobikhana* should be abolished and the land thus released should be sold off as plots of land for residential buildings. This will result in getting rid of an unprofitable concern, will provide ready cash to the Corporation and will ultimately add to Corporation's recurring income in consolidated rate.

Slaughter Houses.

39. Some of the slaughter houses are running at a loss. The main reason for this is a large number of illicit slaughtering which is going on daily all over the city. This state of affairs is extremely deplorable. One would be loathe to believe that such large-scale illicit slaughtering can go on without the knowledge or connivance of the Corporation officials. At one time the Corporation passed a resolution to the effect that adequate steps should be taken to prevent illicit slaughtering but it remained a dead letter. It also came to our notice, that a party's copy of the receipt was for a larger number of goats slaughtered and payment made by him accordingly than the number and amount shown in the office copy of the receipt indicating short credit and misappropriation. It is not unlikely that malpractice of this kind is another cause of low income from the slaughter houses.

40. In March 1947 the Corporation decided that slaughtering-fee should be doubled with effect from the 1st of April next but effect was not given to that order in most of the slaughter houses before August 1947, with the result that nearly Rs. 15,000 was lost in that way. The Superintendents who were taken to task for the apparent disregard of the order of the Corporation explained by saying that there was delay in the despatch of the order to them. The connected file was missing so that it could not be ascertained as to where the delay occurred and who was responsible for the same.

Sale of water for non-domestic purposes.

41. Under section 230 of the Act read with section 3(24)(b), payments have to be made at the prescribed rate for all water supplied by the Corporation for any purpose other than domestic. A comparison of the demand register of the Water Works Department with that of the Trades and Professions Taxes of the License Department disclosed the fact that in a pretty large number of cases the parties paying Trades and Professions Taxes were not charged for under section 230 for supply of water for their business purposes.

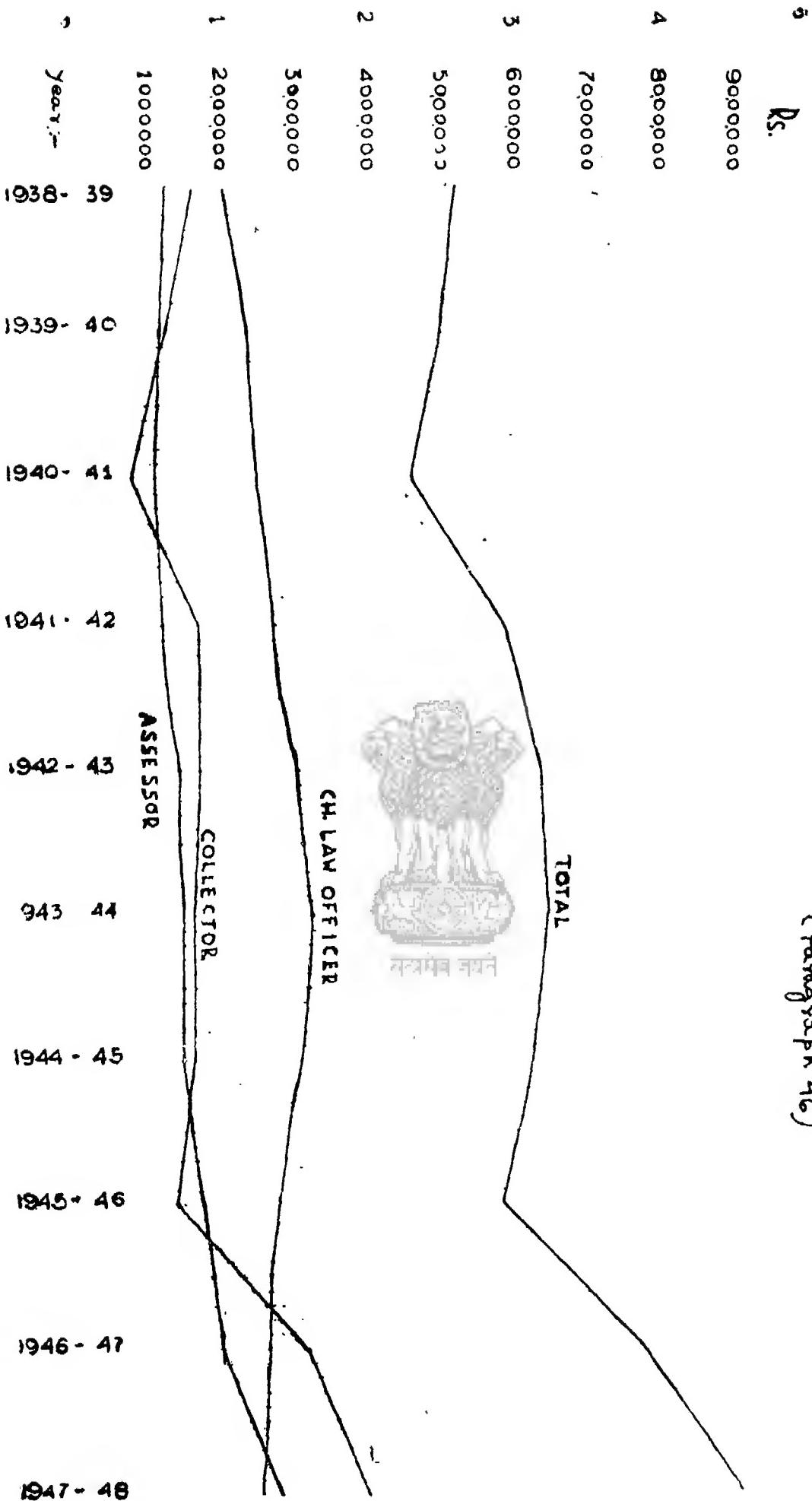
Building Plan Fees.

42. A pretty large number of cases came to our notice in which requisite sanction of the Corporation under rule 57 of Schedule XVII of the Act to the construction of buildings or additions thereto was not obtained by the parties concerned and remained undetected by the Buildings Department. Such omission involved loss of revenue in the shape of sanction fee, encroachment fee, wet-work charges and above all the consolidated rate.

Miscellaneous Demand.

43. In the budget for 1949-50 an estimated income of Rs. 1 lakh has been included as derivable from supply of sewage water from the Kulti Outfall to the neighbouring fisheries. The supply of sewage water and utilisation of surplus lands of Kulti Outfall have been a long-standing scandal, mention whereof has been made in the Chapter on Corporation Properties. Over 30,000 bighas of private and Government fisheries are fed from sewage water of the Kulti Outfall of the Corporation. A proposal was mooted in 1940 to realise some fees from the fishery owners in return for the benefit they got from the Corporation's supply of sewage water. The matter remained undecided until March 1945 when the Corporation directed that pending final decision a fee of Rs. 2-8 per bigha should be realised from the owners of fisheries. Some of the Councillors whose interests were presumably affected, made an unsuccessful attempt to get that resolution of the Corporation

OUTSTANDING DATE BILLS
 (Paragraph 46)



rescinded, after which the department harped on the difficulties of realisation of the prescribed fees though, it is interesting to note, no time was lost to install some plants and pipes under orders of the Chief Executive Officer for making easier the supply of sewage water to the fisheries. With extraordinary enthusiasm the department carried out that portion of the task without waiting for sanction of the Corporation. In March 1946 the Corporation directed that a penal fee of Rs. 5 should be realised from the owners of fisheries who defaulted to pay the prescribed fee. That order of the Corporation was thwarted by inaction on the part of the department. In March 1947 the Corporation ordered that supply of sewage water to fisheries which had defaulted payment of the fee should be stopped. That order was not complied with, and the department instead pleaded against the stoppage of supply of sewage water on the ground that it would ruin the fisheries and affect the supply of fish to Calcutta. The department suggested a Conference with the Director of Fisheries. The question was held up to the benefit of the fishery owners at the cost of the Corporation. If the budgeted income of Rs. 1 lakh in 1949-50 be an index of the income from this source, the Corporation lost Rs. 9 lakhs in the course of 9 years from 1940. We refrain from repeating the serious loss of additional revenue which the Corporation sustained by throwing away another possible source of income, viz., the extensive surplus land, measuring about 1,900 bighas, of the Kulti Outfall Scheme.

44. The Corporation is competent under section 230 of the Act to levy fees on a prescribed scale for the use of filtered water for washing motor vehicles and rickshaws. In 1940 it was estimated that the fee under this head should yield an annual income of Rs. 50,000. When the question of realisation was taken up, the Water Works Department raised various points of difficulty and it was eventually decided to throw the work of realisation on the Public Vehicles Department of Government along with the registration fees. The Public Vehicles Department refused to undertake the task and the matter was allowed to rest there until it was revived in 1945-46 when the Budget Special Committee directed that arrangements should be made by the Water Works Department to realise the fees which, in the estimate of that Committee, amounted to a lakh of rupees. That direction remained uncomplied with. Next year the Budget Special Committee admonished the Water Works Department for their omission to levy the fee and directed the department to do so without further delay. Arrangement to realise the fee was made only in the latter part of 1947-48. Thus a source of substantial revenue went untapped for about 8 years.

Collections.

45. Even with depleted demands as assessed, the collection too was unsystematic and unsatisfactory with the result that the Corporation suffered substantial loss of funds. In the item of consolidated rate, we have shown in Chapter V how collections thereof which had stood at 99.1 per cent. in 1917-18 came down to 87.12 in 1945-46, 79.29 in 1946-47 and 76.74 in 1947-48. Statement III of unrealised assets shows how the figures of unrealised bills increased from year to year. At the end of 1939 it was Rs. 75 lakhs which rose to about Rs. 127 lakhs on the 31st March 1948. The Law Department which is supposed to supplement the Collector's functions regarding realisation of outstanding bills was required to deal with a total amount of about Rs. 21½ lakhs at the end of 1938-39 which rose to Rs. 25½ lakhs at the end of 1947-48. For a comparative study we may go another decade back to 1938-39 and note that the amount outstanding in the Law Department was Rs. 3 lakhs at the end of 1928-29. It was Rs. 37,000 at the end of 1923-24.

46. The following table shows as represented in the annexed diagram the amount of outstanding bills with the Collector, the Assessor and the Chief Law Officer at the end of each year of the decade 1938-39 to 1947-48:—

The amount of outstanding bills (in lakhs of rupees)—

Year.	With Collection.	With Assessor.	With Chief Law Officer.	Total.
1938-39	..	17.78	13.88	21.49
1939-40	..	13.12	12.94	24.53
1940-41	..	9.07	11.73	25.98
1941-42	..	17.88	12.97	28.13
1942-43	..	18.28	14.91	30.53
1943-44	..	16.86	15.46	32.50
1944-45	..	16.62	14.97	31.15
1945-46	..	13.60	17.46	28.02
1946-47	..	31.65	19.97	26.54
1947-48	..	39.52	27.77	25.47
				92.76

[See Graph of Outstanding Rate Bills.]

47. It will be seen from the above table that the total outstanding dues on account of consolidated rates rose from Rs. 53.15 lakhs in 1938-39 to Rs. 92.76 lakhs in 1947-48. The amount outstanding with the Collector and the Assessor more than doubled itself in the course of 10 years. For a proper appreciation of the effect on the finances of the Corporation resulting from such heavy arrears outstanding in the different Departments from year to year, it is unnecessary to repeat here the causes which led to such heavy arrears.

48. The fact remains that much of these arrears became unrealisable at their ultimate destination to the Law Department. The Commission wanted information on the following lines from the Chief Law Officer:—

- (1) Number and value of bills in hands at the end of 1947-48.
- (2) Number and value of bills for which suits and decrees were pending—(a) covered by suits and (b) covered by decrees.
- (3) Execution of (a) decrees obtained more than 5 years ago and (b) decrees obtained 1 to 5 years ago.
- (4) Number and value of decrees executed during the year—(a) relating to the decrees obtained more than 5 years ago, and (b) decrees obtained 1 to 5 years ago.
- (5) Amount recoverable during the year—(a) by execution of decrees and (b) otherwise, e.g., compromise.

49. The information was wanted in I. C. 1540, dated the 17th February 1949, but it failed to evoke any response in spite of as many as 5 reminders. The Commission construed the stubborn silence of the Chief Law Officer as a deliberate withholding of information for fear of disclosures which that officer was obviously reluctant to face. The Commission on their part looked into the registers and records of that department which was a dismal reading as will appear from our report on that department. Whatever the acts of omission and commission on the part of the Chief Law Officer may be, the real rub lies with the Collection Department as pointedly dealt with in our report, and it lies in a haphazard transfer of a heap of bills which should not go to the Law Department at all and in respect of which the Collector failed to do his duty by the proper exercise of the powers vested in him by the law.

50. The deplorable state of collection of consolidated rate was primarily due to (a) non-presentation of bills, (b) forbearance on the part of the Collector in the issue and execution of warrants, (c) delay in the disposal of objections to assessment, (d) delay in deciding cases of remission and (e) unjustifiable transfer of bills in bundles to the Law Department.

51. Non-presentation of bills is a general complaint. The bailiffs are the sole agents of the Corporation for presenting bills and collecting the rates. There is practically no supervision over their omissions and commissions.

52. To what extent the Collection Department neglected its duty in adopting coercive measures under the law will be apparent from the fact that only in 4 cases in 1945-46 and 3 cases in each of the years 1946-47 and 1947-48 were goods distrained and put to sale while the Corporation's outstanding dues were increasing by leaps and bounds and had reached the colossal figure of a crore roughly. The Collector tried to explain by saying that goods worth the seizure could not be had in many cases. The plea is absurd and is not worth a moment's credence. Much of the ills from which the Corporation is suffering for want of funds is due to the laxity of assessment and collection and the tactics adopted in the throwing off of the bills into the pit which is the Law Department.

53. The Law Department is a veritable graveyard for the bills as we have amply shown in the appropriate chapter on the working of that department. While the total demand outstanding with that department is steadily mounting up, no one knows and the records and registers maintained there do not show the position of the suits filed or decrees obtained, the amount decreed, the costs incurred and whether realisation which is tardy and small represents the actual amount due or not.

54. By illegal remission of rate in the case of unbuilt building sites, as a general practice in contravention of section 151 of the Act and in disregard of the Government order directing the Corporation to desist from such action, the Corporation has been deprived for a long time of a substantial revenue which is due to it.

55. The entire machinery of assessment, collection, disposal of objections and realisation of dues by suits requires thorough overhauling. We have suggested remedies in the different chapters and will summarise them later in this chapter.

56. As in the case of consolidated rate, the position is much the same in the matter of collection of miscellaneous bills. One typical instance will sufficiently illustrate. The Corporation owns about 75 bighas of land in Dhappa which it acquired with tenants thereon in 1936. The annual demand of rent and rates from tenants numbering 108 is a little over Rs. 8,000. From the very beginning the Collection Department was allowing large arrears to accumulate. The reasons advanced by the Collector for such arrears were (1) party not traceable, (2) rent rolls incorrect, (3) huts not existing and (4) proper persons not billed for. The Chief Valuer and Surveyor being called upon to explain observed that the reasons advanced by the Collector were not true and that the unsatisfactory state of collection was definitely the result of laxity of the Collection Department. A Special Officer was appointed by the Corporation to devise ways and means of improving collection of dues and that officer stated that the Dhappa tenants defaulted payment because of want of any pressure from the Collection Department. The Deputy Executive Officer, II, did not think it fit to verify the truth of the charges and counter charges but passed an order on the 3rd November 1942 directing that all outstanding bills as on 31st March 1941 be kept with the Survey Department and that the Collector would realise bills from 1st April 1941. In the meantime, the Collector transferred a large number of bills to the Law Department for realisation by suits but as usual, that Department filed no suits. In 1942-43, the arrears amounted to Rs. 42,306. On the 8th September 1944 the Corporation, on the matter being brought to its notice by Government audit, directed the Chief Executive Officer to place 2 bailiffs under the Chief Valuer

and Surveyor for 2 months to realise the outstanding and current bills and report result of that tentative measure. Thereafter the Chief Valuer and Surveyor realised a sum of Rs. 1,880 including Rs. 514 on account of time-barred bills in the course of 2 months from 3rd May to 2nd July 1945. The results being considered satisfactory, 2 bailiffs were again placed under that officer and a further sum of Rs. 1,013, a portion of which was on account of time-barred bills, was realised in less than a month. While collection was thus going on, the Collection Department tried to shew off its responsibility in respect of Dhappa bills by obtaining an order, dated the 10th July 1946, from the same Deputy Executive Officer, II, directing the Accounts Department to send all future bills relating to the Dhappa land to the Survey Department. The Survey Department objected to that order on the ground that it was against the rules that that department should be required to do collection work as a part of its normal duty, and pointed out that the acceptance for a temporary period of the task of collecting Dhappa dues was only to help the Collection Department as a special measure. A tussle between the two departments thus began and it prolonged for two years. In the result, the good work which the Survey Department had started came to an end with the dumping of those bills in the Accounts Department and the bills due up to 1940-41 became time-barred. The Corporation, on the 4th December 1947 and 18th February 1948, by a stroke of the pen scored out of accounts a sum of Rs. 29,895 as irrecoverable. The usual procedure of collection through the Collection Department was reverted to. A verification of rent roll was jointly made by the Survey, Accounts and Collection Departments and result thereof revealed that the bills were mostly in order, the exception being only in 27 cases out of 108 of occupiers who were successors of the recorded tenants. The successors had not applied for mutation and had no objection to paying on behalf of the old tenants. As regards areas occupied, it was found that only in two cases out of 108 the tenants were occupying lesser than the recorded areas about which no intimation of relinquishment had been given. As pointed out by the Chief Valuer and Surveyor, the excuse for non-realisation of Dhappa bills on the ground of the incorrectness of the rent rolls was baseless. The reluctance showed by the Collector to exert himself to realise the dues on account of the Dhappa land and the alacrity with the Deputy Executive Officer, II, without any enquiry, passed order after order under the cover of which the Collector managed to transfer a large number of bills to the Law and the Survey Departments instead of taking any steps to collect them, as also the eventual cancellation of the bills amounting to about Rs. 30,000 by the Corporation without any enquiry as to the cause of the dues becoming barred, all look fishy raising cause for suspicion that there was a concerted determination to lose this money or wink at its escape.

License Fees and Taxes.

57. Whereas there is a large escape from assessment of license fees and taxes, much revenue is again lost due to laxity of collection. The collection of current demand varies between 83 and 93 per cent, but that of arrear demand scarcely exceeds 20 per cent. Thus once a demand under this head falls into arrears it is generally lost. The arrear list shows demands outstanding for over 15 years. The summary procedure prescribed for collection is hardly resorted to and ultimately the arrears are written off as irrecoverable. There is no proper scrutiny prior to the writing off of outstanding arrears. Papers relating to outstanding arrears are placed in sheaves before the authority to order cancellation of the relative demands under section 213 of the Act at a time when the demands had become pretty ancient and nobody could bother about verifying the correctness of the License Officer's report that the parties did not exist. In

June 1947 the Corporation sanctioned cancellation of demands amounting to Rs. 3,434 on account of arrear trades and professions taxes for the year 1936-37. The License Officer's report showed that the parties concerned were either dead or not traceable. The Government Audit made a test check of about 50 items of the list and found that in 50 per cent. of the cases the same parties had been assessed at the same premises for the same business for the succeeding two years, viz., 1937-38 and 1938-39 and the taxes from them were duly realised during those years. Some of those parties were found to have been assessed during subsequent years and some up to 1947-48 and taxes were realised from them during those years. It is evident that the License Officer's report that the taxes for 1936-37 from those persons were irrecoverable because of the death of the parties or of their becoming untraceable was not correct.

58. Although the arrears of 1936-37 were written off by the Corporation in 1947 on the report of the License Officer, the arrears of previous years are still being carried forward. Surely the Corporation is being deprived of a substantial income from this source because its officers are not faithful to their duties.

Expenditure.

59. The Corporation stands to provide to the rate-payers certain services which are essential. Those services lie in the supply of water, in the providing of roads and keeping them in reasonable repairs and cleanliness, in the lighting of the roads at night and in the creation of conditions calculated to prevent outbreak of pestilence in a populous city. In other words, water-supply, roads, drains, street lighting, clearing and disposal of refuse and other conservancy arrangements are the main concerns of the Corporation. Speaking broadly, works outside those categories may be regarded as non-essential, however great their importance may be in the complexities of modern city life.

60. The following may be classified as the main items of inevitable expenditure. The figures below represent the position under the different heads, taken from the budget of 1949-50:—

	Lakhs.	Rs.
1. Establishment—		
(i) Salary and allowances	... 135	
(ii) Provident fund and pension	... 15	
(iii) Dearness allowance and food concession	... ... 96	
(iv) Rent of hired buildings	... 4	
(v) Contingency and telephone charges	... ... 2	
2. Loan charges—		
(i) Interest on loans	... ... 38	
(ii) Contribution to sinking funds	... 17	
3. Statutory contributions—		
(i) To Calcutta Improvement Trust	23	
(ii) To Garden Reach Municipality	2½	
(iii) To Warehouse Fund (for Fire Brigade)	... ... 4	
Total	<u>336½</u>	

61. The normal revenue income of the Corporation calculated on the basis of the actuals of the 3 years ending 1947-48 amounted to 3½ crores roughly. If that sum is taken to be the normal

income of a year, the Corporation would be bankrupt, nothing being left for the services for which it stands. A pertinent question will now arise as to how in view of the financial position as set forth, was it possible for the Corporation to carry on the administration at all. The answer lies in the fact that the Corporation eked its means by drawing from and eating up almost completely a large opening balance of many years past. In fact, the opening balance for 1938-39 was Rs. 93,70,000 approximately and when that balance had almost vanished, proposals for expenditure, however, essential, were held up. When those means were not enough, a large number of bills were deliberately withheld from payment to secure by a dubious means some sort of a closing balance just to meet the demands of the statute, the result of which was a complete ruin of the Corporation's credit in the market. Sometimes there occurred situation in which all those methods and tactics proved unavailing and it became necessary for the Corporation to knock at the doors of the Government for subvention or temporary advance.

62. In the budget for 1949-50, however, a sum of Rs. 5,04,37,000 has been shown as the estimated income. Out of that amount a sum of Rs. 94,29,400 as detailed below cannot be reckoned as normal revenue income:

	Rs.
(1) Government grant towards dearness allowance of employees ...	71,80,800
(2) Government grant to meet loss on food concessions to employees	5,12,000
(3) Compensation from Government of India for damage to roads ...	1,00,000
(4) Advance from Government for execution of urgent loan projects	8,36,600
(5) Recovery of cost of work done for the Calcutta Improvement Trust	5,00,000
(6) Sale proceeds of lands	3,00,000
Total ...	<u>94,29,400</u>

The estimated normal revenue income thus comes to Rs. 410 lakhs roughly or in other words an increase over the actuals of the 3 years ending 1947-48 by half a crore approximately. Whether the expected increase will actually materialise is another matter.

63. The foregoing analysis shows that in any case not even a crore of rupees is available for the recurring expenditure involved in the maintenance of the essential utility services, e.g., waterworks, drainage, conservancy, roads, lighting, etc., and for their much needed improvement. The Corporation has got to augment its resources. Before we proceed to examine to what extent the income should be increased so as to make available an adequate margin to meet the cost of those services, it is worthwhile remembering some of the salient features of the financial administration of the Corporation as revealed in the inquiry made by us. We have shown how the income of the Corporation suffered from lapses in the fixing of demands and in realisation of the same. Facts relating to expenditure are equally distressing. Our report on the system of the purchasing of stores, consumption and the accounting thereof shows how the Corporation sustained heavy loss on account of the negligence of the departments as also the Councillors. In the execution of Engineering works involving expenditure of lakhs and lakhs of rupees the Corporation was saddled with questionable liabilities of a serious nature resulting in severe draining of its finances. Men in excess of requirements, idle labour, same men drawing pay from more than one department, inflated scheduled estimates of manufacture in the workshop leading to misapplication

of materials and labour combined to tell heavily on the Municipal Fund. The way in which the Corporation funds were squandered away in connection with contracts with a Messrs. Bando & Co., for the manufacture and fixation of Venturi meters, the working of the filter beds at Pulta in successive years and the construction of sluice gates and other works by Messrs. K. C. Ghose & Co. in connection with the Kulti Outfall Scheme of Dr. B. N. Dey, the severe loss which the Corporation sustained from year to year owing to disgraceful delay in dealing with the tenders as already described under heads "contracts" and "stores" need not be repeated. Although many such unjustified expenditure were incurred in connection with Loan Projects, the ultimate burden fell on the Revenue Fund resulting in its depletion.

64. We have seen that from year to year the actual receipts fell far short of the estimate of the budget. The picture becomes complete by instances of how the expenditure was deliberately allowed to exceed the budget grant. In 1943-44 expenditure involving an aggregate sum of Rs. 10,23,535 exceeded the budget grants under as many as 91 account heads. In 1945-46 similar excess expenditure amounting to Rs. 23,555 was incurred. Again, in 1947-48 an aggregate sum of Rs. 3,91,197 was spent in excess of the budget provision. Under section 95 of the Act, the Corporation is competent to alter budget grants from time to time within the year but sanction to the appropriation of funds was not so obtained. Even the budget and the mandatory provisions of the Act failed to put a brake on expenditure.

General Review.

65. In a retrospect of the financial administration of the Corporation it is abundantly clear from the systematic loss of funds which the Corporation suffered for years together that there was nobody to discover the causes that led to the deficiency in receipts or the laxity in expenditure and to make any endeavour to get them remedied. There was absolute lack of co-ordination between the different departments over the creation and realisation of the same kinds of demands and also over same kinds of work and no attempt to scrutinise and compare the relative cost incurred in the different districts. The rates and other taxes and fees remained static for many long years and even when the existing rates, taxes and fees were increased or when any new item of fees imposed, nobody considered it to be his business to see that the orders relating to them were actually implemented. Important sources of revenue remained untapped for a long time. Abnormal delay was made by the Councillors in arriving at a decision and when decisions were reached the departments concerned found one excuse or the other for their failure to act. Complete lack of supervision resulted in non-assessment and under-assessment at the hands of subordinate staff. Needless to say, unequal taxation and evasion are consequent burden on others. In the matter of expenditure also, lack of proper control, deliberate disregard of the interest of the Corporation extravagance and unbusinesslike methods were in evidence in every sphere. Sheer dilatoriness on the part of the

Councillors to consider and sanction proposals provided the excuse for the departmental officers to undertake works and incur liabilities in anticipation. Delay in considering tenders and the consequent loss were an annual feature. Everywhere lack of control over expenditure was in evidence, specially in the matter of works done through the contractors, and in particular, in regard to extra works done through them with the result that the authority of the Corporation was got round and the departments exercised a free hand. The tactics usually employed was that once an estimate was got approved by the Committees and the Corporation for a relatively small amount and after the works started, excess or extra works were freely executed behind the back of the Corporation. When the work was completed, the claim far exceeded the sanctioned estimates and either disputes ensued which were invariably decided by a Chief Engineer to the advantage of the contractors or the Corporation found themselves bound to sanction the increase. Budget estimates were not strictly adhered to. Excess expenditure over the original budget estimates was a common practice. Liabilities were incurred by departmental officers without previous sanction of the competent authority and before allotment of appropriate funds. Objections raised by the Accounts Department to such practice were turned down and the Accounts Department received snubbings at the hands of the Councillors for pointing out the irregularities and the bar of rules. Stores were purchased piecemeal from some selected firms to avoid the provision of section 69 of the Act and the transactions were treated as cash purchases instead of buying at the competitive market by inviting tenders. There was absolutely no check over consumption of stores which increased by leaps and bounds. The stock verification which, under the rules, should be done in surprise visits was always done after giving wide notice to the consuming officers. The annual verification was reduced to such an idle formality that it was not considered necessary even to test the arithmetical correctness of the balance in the stock ledger. Duplicate sets of registers of stores are required to be kept in the Accounts Department, but we found instances of their not being posted for over two years, thus frustrating the object of keeping duplicate registers in the Accounts Department. Stores were found to have been accounted for not on actual basis, but according to the estimated scheduled rates of consumption resulting in surplus stock outside the accounts, possible of surreptitious disposal.

66. Staff was entertained in excess of requirements and in anticipation of sanction. A random enquiry elicited that an expenditure amounting to roughly Rs. 1,700 was incurred in 1947-48 in the Secretary's Department in granting overtime allowance to the staff for their detention beyond the usual office hours in connection with Council and Committee meetings, although they are given duty allowance in addition to their pay for the same reason. Similarly, the Accounts Department was responsible for an expenditure amounting to roughly Rs. 7,000 in overtime allowance in connection with the preparation of the budget, annual accounts, etc. Similar extra payments are noticed in other departments as well. A few officers ar-

given free use of motor cars belonging to the Corporation. Taking a month at random which was September 1949, we found that driver S. K. Das worked for 18 hours on 4th September 1949 and 13 hours on 23rd September 1949. Driver Ismail is shown to have worked for 13 hours on the 1st and 5th and 14 hours on the 26th September 1949. Driver A. Majid was similarly shown to have worked for 13 hours on the 5th, 9th, 10th and 22nd and 14 hours on the 23rd September 1949. Driver P. Paul worked for 161 hours in all during that month and was paid an extra sum of Rs. 70-7 outside his pay and driver Dinanath worked for 80 extra hours for which he was paid an extra amount of Rs. 48-5. The cars are allowed to the officers for the performance of Corporation duties. Obviously the large extra hours worked by the drivers indicate misuse of the cars constituting a drain on the Corporation funds, both in the wastage of petrol as also in the extra payments to the drivers for their employment outside normal 8 hours a day. Special leave and full leave allowances for indefinite periods and personal allowance and duty allowance were granted on motion of Councillors without any recommendation or initiative from the departmental heads.

67. Large sums of money are outstanding as advances awaiting adjustment. The following table shows the total of unadjusted advances at the end of each year:—

	Rs.
1942-43	73,40,696
1943-44	95,66,965
1944-45	1,04,27,170
1945-46	1,26,84,258
1946-47	1,31,43,621
1947-48	1,11,32,612

The occasions which necessitated the granting of the advances were generally, (1) in connection with payments to contractors for extra items of works undertaken without the sanction of the appropriate authority, (2) payments to contractors before submission of duly prepared progressive bills simply on the recommendation of the departmental officers, the amounts thus paid being kept under advance which remained unadjusted for indefinite period, (3) advances to departmental officers for departmental work with or without previous sanction of the appropriate authority and with or without budget provision, the costs whereof were initially met by drawing advances which remained unadjusted for years together, (4) purchase of stores in anticipation of sanction and without calling for open tenders, proposals for sanction to the expenditure being submitted long after they were incurred and these were dragged on in the Committee and Corporation meetings, (5) payments to the staff entertained without proper sanction, there being cases when this was done in the absence of any budget provision, the salaries paid to such staff being kept under advance as long as proper sanction was not obtained and budget allotment made which was delayed for years, (6) payments made to owners of lands, in connection with road alignments sanctioned without any estimate of the costs or the ascertaining of the financial implication of the project. The roads themselves were seldom constructed, but the owners of land falling within the alignment claimed compensation and got it. No matter how, in the absence of the loanable capacity of the Corporation, the road project itself might be remote, the payments made to the owners of land were shown as advances from the revenue. Cases were not rare in which advances were made to departmental officers substantially in excess of requirements and when there was no immediate necessity for incurring the requisite expenditure but the unspent balances were refunded after a long time. The most astounding fact about these advances is that the departmental officers do not maintain a cash book showing the amounts drawn as advances to them from time to time and

the amounts spent and the balances from day to day. The Accounts Department alone keeps the accounts of advances but the department does nothing more than posting the ledgers and nobody can see what has been spent out of the advances and what is due to be refunded at any given point of time. Advances made to lawyers for the filing of suits go the same way. It goes without saying that the spectacle of unadjusted advances amounting to over a crore of rupees in a concern whose total annual expenditure is near about three and a half crores is in itself grotesque. It makes the annual expenditure accounts under different heads unrealistic and impossible of any objective analysis.

68. The Corporation must have a realistic picture of its financial position and must take effective measures to augment its resources. More money is needed to raise the standard and efficiency of the running services which have long been starved for want of funds. The roads are full of holes with their surfaces worn out. It is said that they stand severely damaged and patch repairs are of little avail. Street lights are still in black-out conditions in most places. They must be path-finders to the citizens at night. The stench rising from accumulated garbage must be properly handled. The tax-payers' right to reasonable supply of water must be secured. The drainage system must be maintained properly and extended in pace with the growing needs of the city, if the menace of serious outbreak of epidemic diseases is to be eliminated. Funds have to be provided to meet the increased recurring expenditure on account of the various essential services and funds have got to be found for capital projects for improvement and extension of those services inevitable on account of the growth of the city, both in extent and in density of population. It is a well-known fact that the city of Calcutta which for years was the headquarters of a large army had its roads cut into shreds by fleets of heavy military vehicles running to and fro at top speed day in and day out. The political conditions arising out of the partition of the Province has induced an influx of population beyond all compute. All these have put the utmost strain on the city services. The tax-payer is fretting and very reasonably so for the privations to which he is put. Apart from the question of a general toning up of the services, important as that question is, the remedy lies first and foremost in putting fingers on certain possible and very desirable means of economising the expenditure and effecting a saving out of the unnecessary and somewhat luxurious items for the purpose of utilising such saving to meet more essential needs.

69. Thinking of pruning, searching eyes are bound to be fixed on the largest item of running expenditure which is the Establishment. The table below shows, as the connected diagram represents, an increase under that head alone from 91 lakhs in 1938-39 to 260 lakhs provided for in the budget of 1949-50. Analysed, the comparative figures show a total increase of 169 lakhs under different sub-heads. In fairness it must be pointed out that this increase is not due to increase in the salary of the higher officers but represents enhancement of salary and wages of the subordinate and the labour staff consequent upon general revision of pay and revision under the Award of the Labour Tribunal. It will be seen that house rent and quarters for labour staff rose from a petty sum of roughly Rs. 8,000 in 1939-40 to the stupendous figure of 3½ lakhs of rupees in 1949-50. Dearness concessions rose from 3 lakhs of rupees to 96 lakhs of rupees. It is true Government bears 80 per cent. of the cost of dearness concessions. It is impossible to presage when economic conditions of the country will make it possible to withdraw the concessions. Without being unduly pessimistic we have reasons to think that those concessions will be a part and parcel of the future remuneration of the large and subordinate labour staff maintained by the Corporation, and there is

no knowing when Government may withdraw its helping hand in this direction, in which case the liability will solely be the Corporation's and the burden crushing. The possibility of effecting saving must be found in the reduction of staff and we have definite recommendations to make in this respect. The staff extends over various departments some of which are essential and some not.

Establishment cost in 1949-50 as compared with that in 1939-40.

	1939-40 (Actuals).	1949-50 (Budget).
I. Salaries and wages—		
(a) As shown at page 3 of the Budget	68,36,031	1,19,93,800
(b) Primary School staff	8,80,584	13,50,000
(c) Pruss Tanks staff	..	15,000
(d) Entally Workshop staff:		
(i) Office staff	..	50,133
(ii) Labour	..	2,09,916
(e) Motor Vehicles Workshop staff	52,758	1,30,000
(f) Asphaltum Department staff—		
(i) Office staff	..	25,000
(ii) Work staff	..	83,000
(g) Road Roller staff	..	21,952
(h) For Printing Budget, etc.	..	3,558
(i) For acting arrangements	..	20,000
II. Overtime allowance under the Factories Act—		
(a) Printing Department	..	9,964
(b) Electricity Department	..	..
(c) Drainage Pumping Stations	..	23,600
(d) Water-supply Pumping Stations	..	20,000
(e) Municipal Gazette Printing staff	1,929	3,600
III. Extra remuneration to the Collecting staff—		
(a) Collection Department	..	100
(b) License Department	..	..
IV. House-rent and quarters for Labour staff—		
(a) Cost of maintenance of Mehters' barracks	..	8,495
(b) Rent and maintenance of commandeered buildings	..	80,500
(c) House-rent allowance	..	2,28,000
V. Soap, oil, napkins, etc., for Labour staff	5,758	15,000
VI. Dearness Concessions—		
(a) Grain compensation allowance	3,07,721	..
(b) Dearness allowances	..	89,76,000
(c) Food concessions	..	6,40,000
VII. Provident Fund, etc.—		
(a) Primary School staff	..	61,189
(b) Entally Workshop staff	..	4,354
(c) Others	..	5,13,304
Total	..	90,75,566
Say	91 lakhs	260 lakhs.

Increase in the Establishment cost under different heads.

	In 1939-40 (Actuals).	In 1949-50 (Budget).	Increase. Rs.
I. Salaries and wages ..	81,62,752	1,44,12,700	62,49,948
II. Overtime allowance under Factories Act	11,893	85,200	73,307
III. Extra remuneration to the collecting staff	100	32,000	31,900
IV. House-rent and quarters for Labour staff	8,495	3,51,900	3,43,405
V. Soap, oil, napkins, etc., for Labour staff	5,758	15,000	9,242
VI. Dearness concessions	3,07,721	96,16,000	93,08,279
VII. Provident Fund, etc.	5,78,847	14,78,100	8,99,253
Total	..	90,75,566	2,59,90,900
Say	91 lakhs.	260 lakhs.	169 lakhs.

The total number of Corporation staff exceeds 26,000 of whom the labour staff numbers 18,583, unskilled labourers being 15,529 and skilled 3,054. In addition, there are 2,520 menials. Any measure

of reform aimed at economising expenditure must start with reduction of the labour staff wherever possible without deterioration of efficiency of the Corporation's services. There is idle labour which must be weeded out. The labour roll is suspected to contain fictitious names. It should be one of the main duties of the anti-corruption officer of the Corporation to detect the same.

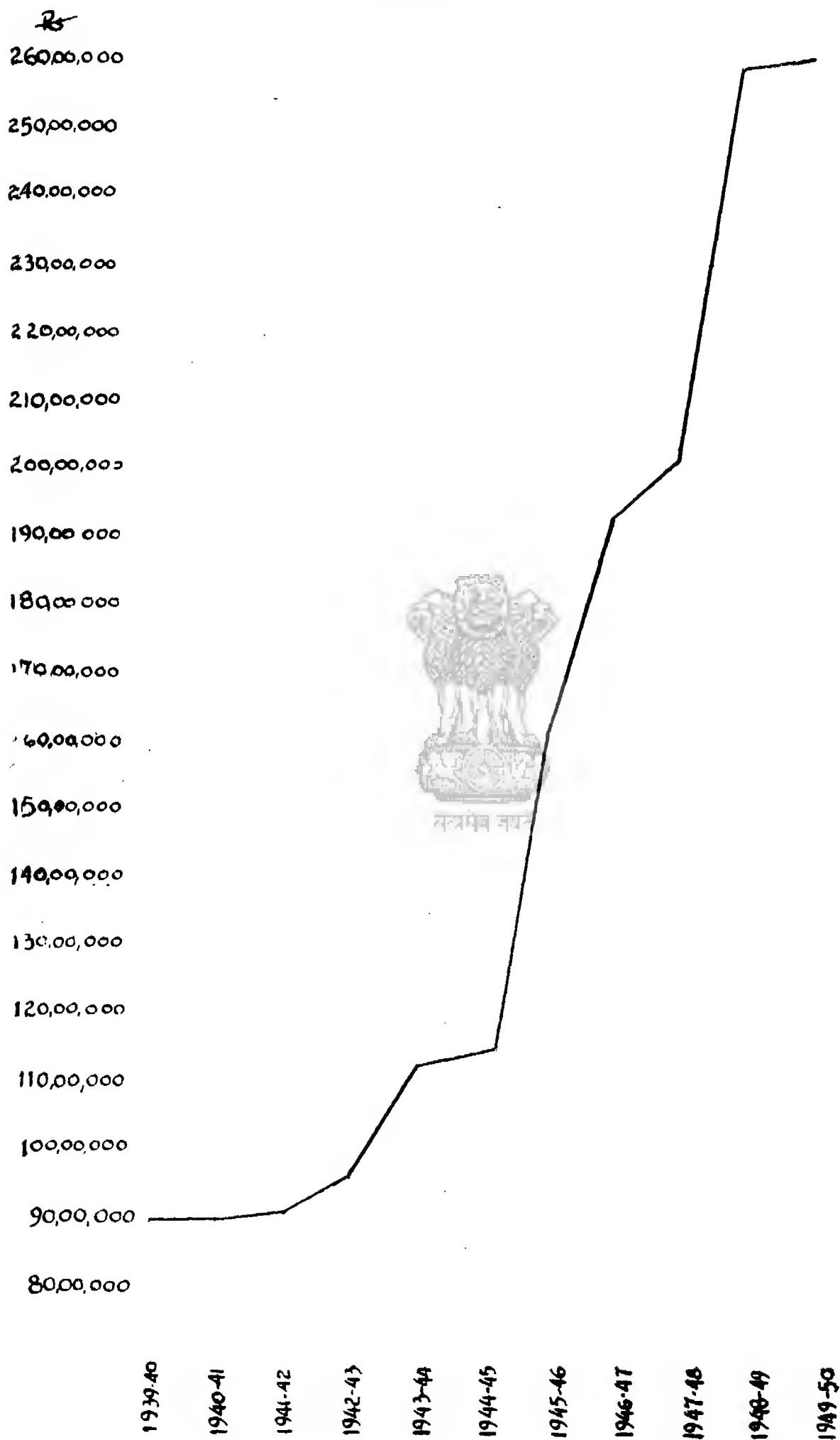
[See graph of Growth of Establishment Charges from 1939-40 to 1949-50.]

70. It should be remembered that Act III of 1923 was conceived in radically different conditions than now. The great political leaders of the country who seized the opportunity which a wider franchise and a broader outlook of service provided for in the Act set themselves to a task which to a great extent ran in parallel channels with similar activities shouldered by the then Government. The ideal with which Deshbhandhu Chittaranjan and Netaji Subhas Chandra widened the functions of the Corporation to serve the interests of the people was lost at the hands of lesser people who came into power after them and utilised the same in grinding their own axe or that of party coterie and funds were squandered away. In the present set-up of a free country the activities of the Corporation should be complementary to those of a national Government and parallel institutions should have no justification for existence. Taking a concrete case a commercial museum, when the commercial interest of an alien Government was entirely divergent from that of the country, might have been a necessity for the Corporation to maintain side by side the Government commercial museum. The continuance of a separate commercial museum under the Calcutta Corporation is no longer a necessity. The Corporation maintains a number of dispensaries and hospitals of its own. There might have been a necessity for them when they were first established at a time when a foreign Government might not have been equally mindful of the poor man's health. In the altered conditions of the present day the Corporation's functions in connection with public health should be confined to prevention of diseases and not the cure of them which should rest with the Government. At present some of the Corporation dispensaries and hospitals are mere apertures for them and should better be abolished. There are other institutions which are maintained directly or indirectly by the Corporation. There are some institutions which receive large grants from the Corporation, but are not purely of local interest. It is time that the Corporation should reduce its expenditure on these accounts and keep its own pot boiling instead. It would be advisable that institutions which are more of a provincial nature than serving exclusively local purpose should be sorted out. Whatever may be the need for spreading knowledge of Ayurved throughout the length and breadth of the country, there is hardly any justification for the Calcutta Corporation bearing large monetary loads for that purpose.

71. As is well known, the State has now accepted full responsibility for free compulsory primary education throughout the province. But local Government may still be used as an instrument in carrying out a national policy for providing social services. Sometimes local Government is referred to as the agent, sometimes as the partner of the State, but neither term is strictly accurate. The local authority may be more than an agent, if it has to find part of the cost from its own resources; while, on the other hand, it may not enjoy the equal status of a partner. Suppose the Provincial Government settles a certain minimum school leaving age, no local education authority however unwise it might think this to be, is free to substitute another age.

As pointed out before, primary education for boys and girls between certain stated ages was for the first time made a statutory duty of the Corporation under the Act of 1923. Section 91 requires

GROWTH OF ESTABLISHMENT CHARGES FROM 1939-40 TO 1949-50
(Paragraph 69)



the Corporation to spend annually a sum of not less than a lakh of rupees for the purpose, a minimum which in the course of years has actually swelled to an expenditure of about Rs. 19 lakhs. This undoubtedly involves a heavy strain on Corporation finances, and the strain has been felt more and more acutely during the past few years. Prospects for the immediate future do not appear to be quite so promising. From this point of view, nothing would be more welcome to the Corporation than to be relieved of its present financial liability for the promotion of primary education in the city, and there will be no objection on its part to transferring the responsibility entirely to Government. Government might easily set up a Special Board of Primary Education for the city of Calcutta, whose duty it will be to carry out Government's policy and programme in this respect on the same lines as in other parts of the province. Even so, it is not expected that the local authorities or the local residents in areas outside Calcutta will escape a share of the financial burden for financing the scheme. Education cesses or compulsory contributions from local bodies are bound to be levied. In the same way, the Corporation of Calcutta may be required or empowered to levy a special education cess in addition to the consolidated rates and other taxes and fees, or it may be required to make a compulsory contribution towards the cost of primary education out of its normal resources. In either case, the Corporation as well the local authorities outside Calcutta will require to be represented in the Committees or Boards which will be set up by Government for such areas. So far as the Corporation is concerned, in our opinion, Government should undertake legislation much on the same lines as in Bombay for the promotion of primary education within the city of Calcutta. This may involve the abolition of the existing Education Department of the Corporation, unless Government should choose to utilise this agency on terms to be settled between them and the Corporation.

72. In our view, certain departments of the Corporation need not be maintained as self-contained units. We have seen the extent to which the Corporation suffered loss of revenue on account of lack of inter-departmental co-ordination. The lesser the number of self-sufficient departments, the better for the purpose of administration. There is a room for abolition of certain departments and their amalgamation with the others.

73. We shall now proceed to make definite recommendations for curtailment of expenditure and for effecting savings therefrom. The reasons for the abolition or reduction of the various departments have been given in the relevant chapters.

74. Estimated approximate saving by reduction of expenditure as suggested below:-

	Rs.
(1) Abolition of Corporation primary schools on their transfer to Government and discontinuance of grants to other primary schools, tolls, muktabs, etc.	19,00,000
(2) Abolition of Corporation Commercial Museum ..	33,000
(3) Abolition of Motor Vehicles Department .. <i>(Saving calculated out of abolition of the administrative, supervisory staff and office establishment, retaining the drivers, coaches and the technical staff.)</i>	50,000
(4) Abolition of the Lighting Department ..	4,50,000
(5) By conversion of gas lights into electric lights ..	4,50,000
(6) Reduction of labour staff in workshops and conservancy work, etc.	5,00,000
(7) Economy in consumption and purchase of stores	3,00,000
(8) By reduction of contribution to the Calcutta Improvement Trust	4,00,000

75. In the Chapter on Motor Vehicles Department we have given definite reasons in justification of our proposal for the abolition of that department and distribution of the vehicles among the District Engineers and other departments for whose use the vehicles are maintained. By a curious process the labour staff of the Motor Vehicles Department are required to work 46 hours in the week instead of the prescribed 48 hours. The possibility of reducing the staff by obtaining full hours' service from each person should also be kept in view.

76. So far as the Lighting Department is concerned, we have already stated that money is being wasted on lighting by gas which is more expensive, but gives comparatively far less illumination than electric lights. We have also shown the serious loss Corporation is being put to by the employment of a large labour staff whose period of duty is infinitesimally small and who find time to draw full day's wages elsewhere.

77. Tiffin and overtime allowance for office establishment should not be allowed as this puts a premium on accumulation of arrears and inefficiency. This will effect some saving but we have ignored and excluded it from the statement above. One of the incinerators has never been of any service. The plants, machinery and the buildings should either be brought into use or disposed of and the staff abolished, if there is no likelihood of the plants being put to any use in near future.

78. An item to which we should like to refer as of considerable importance on the financial position of the Corporation is the management of the Entally Workshop and the Workshops for the Motor Vehicles. They should be run on strictly economic lines. There should be a reliable costing arrangement in each of those Workshops so that idle labour and other sources of wastage which are unduly prevailing now may be detected and remedied. We have come across cases where the repair cost of anything exceeded the cost of manufacturing the same. The possibility of reducing workshop labour does exist and it should be effected by all means. We are also of opinion that there exists a drag on the Corporation finances on account of superfluous or fictitious labour staff for conservancy work and the possibility of further economy of expenditure by the prevention of abuses and malpractice in connection with the maintenance of conservancy labour staff.

79. The system of supplying ration to the labour staff on credit must be stopped and supply on payment in cash must be insisted upon. There are already large arrears on this account and we apprehend that an occasion will arise for writing off the arrears wholly or partially.

80. We have shown in our report on 'Stores' the serious loss which the Corporation suffers both on account of unbusiness-like purchase of stores as also in consumption thereof. The estimated saving of Rs. 3 lakhs out of the total expenditure on account of stores is very conservative provided the stores administration is overhauled and the methods of purchase rectified, and malpractice in use of stores prevented.

Calcutta Improvement Trust.

81. Two per cent. of the annual valuation of the city goes to the Calcutta Improvement Trust as Corporation's contribution. The Calcutta Improvement Act laid down a minimum sum of Rs. 7½ lakhs for such contribution. It is probable that the framers of the Act did not contemplate that that figure would multiply itself 3 times and still go on increasing every year. It would be interesting to review the growth of this contribution from the Corporation to the Trust during the

10 years from 1938-39 to 1947-48 as given in the table below :—

	Rs.
1938-39	... 19,56,000
1939-40	... 19,76,000
1940-41	... 20,00,000
1941-42	... 20,29,000
1942-43	... 20,52,000
1943-44	... 20,68,000
1944-45	... 20,96,000
1945-46	... 19,92,000
1946-47	... 20,48,000
1947-48	... 22,64,000

It will be seen that the originally contemplated sum of Rs. 7½ lakhs amount to Rs. 19,56,000 in 1938-39 and thereafter by continued increase rose to Rs. 22,64,000 in 1947-48 and to Rs. 24,15,000 as per budget of 1949-50.

82. Properly speaking, the Improvement Trust is an adjunct to the Corporation, taking upon it certain work which the Corporation itself could or should have done. It is obvious that as the work of the Trust progresses and Calcutta is improved, the work that remains to be done by the Trust gradually decreases. That being so, it is incongruous that the contribution of the Corporation to the Trust should grow from more to more as the work to be done by the Trust becomes less and less. We think, therefore, that a ceiling should be fixed to the contribution. We suggest that the contribution should be 2 per cent. of the rateable valuation of the city, subject to a maximum of Rs. 20 lakhs. This position should be reviewed every five years and the ceiling adjusted by the Government according to the circumstances of the case at the end of each such period. It should be noted that contribution from the Corporation is not the only income of the Trust, but it receives a large income by selling lands in the area improved by its operations. The above suggestion will involve necessary changes in the provision of the Calcutta Improvement Act. These changes should be made. A substantial saving will be available for works of improvement by the Corporation itself.

83. The Howrah Bridge Act imposes a rate of $\frac{1}{2}$ per cent. on the annual rateable valuation. Under the present arrangement the Corporation collects the additional $\frac{1}{2}$ per cent. rate and makes over the same to the Bridge Commissioners after deducting $\frac{1}{4}$ per cent. of the gross collection as fixed by Government on account of collection charges. The annual cost of collection, however, exceeds the amount which the Corporation derives under this arrangement. The position should be revised so that the Corporation may re-imburse the actual expenditure incurred on this account.

84. If the above suggestions are followed, at least half a crore of rupees will be available out of the cumulative savings. The Commission, however, is cognizant of the fact that reduction in expenditure as indicated above will not be possible all at once. It is bound to be gradual with the target kept definitely in view. The spirit of economy must be inculcated in the minds of the heads of the departments who should be prepared to co-operate and not obstruct. In making the above recommendations we have consulted some of the departmental heads who, however, for obvious reasons, would not like to be mentioned.

85. We shall now proceed to examine possible augmentation of income from various sources.

(I) **Consolidated rate.**—We have already pointed out that Corporation's income from this source of revenue stands depleted by about 50 per cent. owing to undervaluation and other causes. A

general revaluation has been undertaken and facts gathered from the work in progress confirm our estimate. The rateable value was about 12 crores of rupees in 1948-49. The year 1949-50 will record an increase of about 1 crore of rupees in the rateable value. Thus the rateable value will amount to 13 crores at the end of 1949-50. The General Revaluation has already commenced and has been completed in 9 out of the 32 wards. The percentage of increase in the revised valuations in the 9 wards varies from 40 to 115 and the revised valuation of those 9 wards amounts to Rs. 266 lakhs. 50 per cent. of this increase may be expected to be maintained on the final determination of objections and appeals.

The extraordinary General Revaluation of assessment of the remaining 23 wards is nearing completion. As in the case of the first 9 wards, so in the case of the remaining 23 wards revised valuation is expected to register an increase varying from 50 per cent. to 100 per cent. 50 per cent. of the increase in the valuations can safely be expected to be maintained. On the basis of the existing valuation the increase in the rateable valuation of the 23 wards may be calculated to amount to Rs. 415 lakhs.

As a result of revision of the assessment of all the wards, a total increase of about Rs. 548 lakhs in the rateable valuation can well be expected.

The rateable value at the end of the current year being Rs. 13 crores, it is expected that this will increase to Rs. 18½ crores as a result of full completion of the revision in progress in all the wards. It will not probably take more than 3 years to get the full increase reflected in the demand on account of consolidated rate. The increase is likely to be spread over the next 3 years more or less in the following proportion: Rs. 2 crores in 1950-51, Rs. 2 crores in 1951-52 and Rs. 1½ crores in 1952-53. Thus the estimated total of Rs. 18½ crores may be reached at the end of 1952-53. In the result the demand under consolidated rate will increase by 21½ lakhs of rupees in 1949-50, 43 lakhs in 1950-51, another 43 lakhs in 1951-52 and 32½ lakhs in 1952-53.

(2) **Port Commissioners' properties.**—The Port Commissioners of Calcutta own landed property measuring 7,040 acres within the city. If we leave out 30 per cent. of the same on account of streets, lanes, passages, etc., there remain about 3 lakhs cottahs of assessable land on which there are innumerable buildings for residential, office and other purposes.

The properties of the Port Commissioners are assessed by the Corporation for the purpose of consolidated rate not under its own law, but under special provisions of the Calcutta Port Act according to which the basis of assessment of the buildings is their original cost of construction and of the lands their acquisition cost.

The acquisitions were mostly made during latter part of the nineteenth century when the cost was Rs. 100 to Rs. 200 per cottah, a good portion even less than that. The total annual value of all assessable properties belonging to the Port Commissioners on that basis amounts to Rs. 90,14,338. The annual value of all lands and buildings in their own possession amounts to Rs. 84,85,828, the balance, i.e., Rs. 5,28,510 being the annual value of the structures erected by their tenants. On the present market value the annual value of the lands alone would exceed the present annual value of all Port Commissioners' property—lands and buildings together. On a modest estimate the land value would go up by about 300 per cent. and the building value by about 150 per cent. if the assessment is made under the Calcutta Municipal Act uniformly with other properties within the city. The continuance of the

concession to the Port Commissioners appears to us to be very invidious and we suggest suitable amendment of the Calcutta Port Act in order that the Corporation may not be deprived of its legitimate revenue. It is certainly unfair that even tenants of the Port Commissioners who are just ordinary people who occupy buildings constructed by themselves should be allowed to evade payment of proper tax at the cost of other ratepayers.

(3) **Central Government Property.**—The Central Government also owns properties within the city. Properties belonging to the Central Government other than those belonging to the State Railway, acquired or erected after 31st March 1937 are exempt from local taxation under section 154 of the Government of India Act, 1935.

Rate bills amounting to roughly over Rs. 10 lakhs are outstanding in consequence of a dispute arising out of the provisions of section 154. Many valuable structures erected by the Central Government after 31st March 1937 have not been assessed. It appears inequitable that the Central Government officers occupying a large number of houses in, for instance, Dover Lane, should not have to pay any taxes but should enjoy the services of the Corporation entirely free while their confreres who happen to be officers of the Provincial Government do not enjoy any such privilege. The annual loss on this account may be estimated at Rs. 4½ lakhs and this will continue to increase as more lands are acquired and new buildings erected by the Central Government. In our opinion the Central Government properties should come under General Valuation under the Calcutta Municipal Act or in the alternative the Corporation should have equated annual subvention from the Centre, as is the case in the United Kingdom.

(4) **License Tax and Fees.**—We have shown the extent of loss which the Corporation suffered owing to non-assessment and under-assessment under the above head. A substantial increase from this source is possible by adopting measures to prevent leakage. Besides Schedule VI under section 175 of the Act is capable of substantial revision as has been done in the case of Schedules VIII and IX. An overall 50 per cent. increase of income from License Tax and fees will be a moderate estimate.

(5) **Sale of water to shipping.**—The Corporation derives an income of about 2½ lakhs of rupees by sale of filtered water to shipping. The price is fixed at a maximum of Rs. 5 per 1,000 gallons under section 231 of the Calcutta Municipal Act, 1923. That section is a reproduction of section 255 of the old Act of 1899. The estimated expenditure on account of supply of water to shipping as per budget of 1949-50 is approximately Rs. 2½ lakhs. The estimated cost does not include the cost of manufacture, nor does it take into account the overhead charges of superior supervision and accounting, or the cost of depreciation of the value of steam launches and barges, pumps, etc. It is evident that the rate at which water is supplied to shipping is uneconomical. The maximum rate was fixed 50 years ago when the cost of supply was very much less. As a matter of fact the budget of 1923-24 shows an expenditure of about a lakh and a half of rupees on this account. In 1899-1900 that expenditure was a paltry sum of Rs. 18,000 only against a receipt of roughly half a lakh of rupees. It is only fair that the maximum price should be raised to at least Rs. 10 by a suitable amendment of section 231(2).

(6) **Grants and contributions from Government.**—The Corporation receives certain annual grants and contributions from Government which were fixed long ago and should be revised in the light

of increased expenditure involved in the cost of necessary services. Under budget item 21, the grant for improved conservancy and for additional lights in commercial area, is Rs. 2,500 on each account. This was fixed in Government letter No. 2374M., dated the 11th December 1902. For the maintenance of Diamond Harbour Road the Corporation receives Rs. 2,204 from Government as fixed in June 1890. For improved sanitation and conservancy of Hastings the Government grant of Rs. 4,772 was fixed as far back as 1873. Such grants and contributions should be revised in accordance with the present cost of the relative services.

(7) **Motor Vehicles Taxation.**—The Corporation receives an annual contribution of Rs. 4½ lakhs from Government out of its receipts by the taxing of motor vehicles. Previously the Corporation was the authority to grant licenses to motor vehicles and was entitled to the entire proceeds on that account. For many years the Corporation is agitating for enhancement of the contribution of Rs. 4½ lakhs fixed under the Motor Vehicles Taxation Act of 1932. The West Bengal Government Budget Estimate for 1949-50 shows an increase of nearly 5 lakhs of rupees in one year between 1948-49 and 1949-50, the estimated receipt of the previous year being Rs. 36,36,000 and that of the current year Rs. 40,90,000. It goes without saying that the basis on which the contribution of 4½ lakhs of rupees was fixed many years ago does not stand now. In our opinion the Corporation should get Rs. 20 lakhs out of receipt from the motor vehicles tax and section 10(1) of the Motor Vehicles Taxation Act, 1932, should be so amended as to substitute "Rs. 20 lakhs" for "Rs. 4½ lakhs".

(8) **Licensed Warehouses Fund.**—The Licensed Warehouses and Fire Brigade Act of 1893 was based on certain estimates which showed that the total cost of maintenance of the Fire Brigade would not exceed Rs. 2 lakhs per annum. The amount expected to be realised in license fees paid by the different Warehouses was estimated at Rs. 1 lakh. The Corporation was required to pay the other one lakh. The Corporation has no hand in regulating the cost of the fire brigade which is fixed by the Commissioner of Police who determines the amount required to be paid annually by the Corporation for the maintenance of the Fire Brigade. The Corporation is empowered under section 10 of the Licensed Warehouse and Fire Brigade Act to levy a special fee at the rate of 10 per cent. per annum on the annual value of the Warehouses storing inflammable materials. The maximum fee is limited to Rs. 1,500 per annum and the total receipts to half the amount to be paid to the Commissioner of Police. The accounts of 1947-48 show that whereas the Corporation had to pay that year a contribution amounting to Rs. 5,88,000 its receipts amounted to only Rs. 1,25,000. It would thus appear that while the estimated receipt as made in 1893 has remained stationary, the expenditure has more than doubled itself. This ought to be remedied—

- (a) by raising the rate of fees,
- (b) by extending the scope of levying fee to warehouses of all types storing inflammable materials, and
- (c) by authorising the Corporation to levy a special fee on Fire Insurance Companies which are directly benefited by the maintenance of the Fire Brigade.

(9) **Cess on storage of petroleum—(section 181 of the Calcutta Municipal Act).**—A possible source of augmenting the income of the Corporation lies in the imposition of a cess on storage of petroleum from which the Corporation has been debarred for

a long time. For this purpose suitable modification of section 181 of the Calcutta Municipal Act, 1923, is necessary; or in the alternative a sanction of the Central and Provincial Governments as required in the aforesaid section should be available. In the absence of facts and figures it is not possible to compute what may be the extent of additional revenue from this source, but it is certain that it will yield a very substantial income without much burden on those who may pay it as whatever the taxation may be it will be distributed on wealthy consumers.

86. Our suggestions for augmenting the resources are summarised in the undermentioned statement which shows the expected additional income from the different sources:—

(1) Consolidated rate—	Lakhs	
(a) General	43 (1950-51). Additional 43 lakhs in 1951-52 and 32½ lakhs in 1952-53,	
(b) From Port Commissioners	20	
(c) From Central Government properties.	4½	
(2) License fees and taxes ..	11	
(3) Sale of water ..	3	
(4) Markets	1	
(5) Contribution from Government—		
(a) For specific purposes ..	1	
(b) Share of Motor Vehicles Tax.	15½	
(6) Licensed Warehouse Fund ..	14	
(7) Cess on storage of Petroleum (section 181 of the Calcutta Municipal Act).	+	
	101½ lakhs.	

87. If we add to the above Rs. 40½ lakhs derivable, according to our estimate, by curtailment of expenditure, the annual additional funds which may be available will amount to Rs. 141½ lakhs or roughly 142 lakhs.

88. We have shown that for years past the Corporation has not been able to provide for an effective closing cash balance. Whatever was shown on that account was illusory being saddled with large liabilities remaining unpaid at the close of the year. It will be necessary first and foremost to provide a real closing balance which should, according to our estimate, be a statutory sum of Rs. 30 lakhs. If this sum be deducted from the estimated additional fund there will remain approximately Rs. 112 lakhs which may be allotted to the different heads for better service to the ratepayers. It should however be remembered that the Corporation owes it to Government to the extent of approximately Rs. 77 lakhs to meet its obligations on account of dearness allowance and food concessions to its employees. Should this subvention be withdrawn and the Corporation is left to bear the burden out of its own revenue, the balance which will be available for improving the services will be only Rs. 35 lakhs. The general situation will be easier in 1952-53 when the full effect of the revaluation will be attained and the suggestions made by us carried out. During the intervening period the continuance of the above subventions from Government will be imperative. With improvement in the financial position as we can visualise in 1952-53, the Corporation may be expected not only to shoulder its normal financial loads but will attain the borrowing capacity to be able to raise loans for capital projects which are essentially necessary.

Loans.

89. The Chief Engineer furnished us with the following statement showing items of capital work with estimated cost thereof which are required to be undertaken as early as possible:—

	Rs.
(1) Augmentation of filtered water-supply ..	4,00,00,000
(2) Unfinished portion of Main Drainage Internal Scheme	1,25,00,000
(3) Unfinished portion of Main Drainage Scheme, External (Outfall) ..	1,25,00,000
(4) Lighting	1,00,00,000
(5) Replacement and overhauling of all old machineries at the Pumping Stations ..	25,00,000
(6) Detritors at Point 'A' to deal with 200 million gallons per day	12,00,000
(7) For an additional clarifier, sludge digestion plant and gas producer including staff quarters	88,00,000
(8) Construction of labour quarters (garages, etc.) and substitution of mechanical contrivances, such as road sweepers, gully pit cleaners and other type of vehicles after abolishing all the Gow-khanas	1,00,00,000
(9) Surfacing roads to suit modern traffic conditions	50,00,000
	<hr/>
	10,25,00,000

90. It will be seen from the statement that the total expenditure involved therein amounts roughly to 10 crores of rupees. On the whole the Commission is convinced that enlargement and replacement of plant and machineries which have become out of date or worn out and are unable to cope with the requirements of the present day are extremely necessary. Leaving the Chief Engineer's statement to be examined by technological experts, it goes without saying that large funds have to be found by the raising of loans and the Corporation has got to retrieve its borrowing capacity.

91. We proceed to furnish a somewhat detailed account of the loan funds.

92. Section 97 of the Calcutta Municipal Act, 1923, empowers the Corporation to raise, with the previous sanction of the Provincial Government, loans for the following purposes:—

- (i) Construction of works,
- (ii) Acquisition of land,
- (iii) Payment of debt due to Government,
- (iv) Repayment of loan previously raised.

The Corporation's borrowing power is limited, under section 100 of the Act, to a total sum of which the total amount of loan charges, i.e., interests and sinking fund contributions payable during any year will not exceed 10 per cent. of the annual rateable value of lands and buildings of the city. The estimated rateable value of the city as on 31st March 1949 was Rs. 11,96,77,000 and 10 per cent. of it amounts to Rs. 1,19,67,700. The loan charges payable for a full year on all the outstanding loans, as shown in the current year's budget, amount to Rs. 54,27,200, viz.,—

	Rs.
(i) interest	37,02,300
(ii) sinking fund contribution	17,24,900
	<hr/>
	54,27,200

93. This leaves a margin of Rs. 65,40,500. (Rs. 1,19,67,700—Rs. 54,27,200). On the strength of that margin the Corporation can borrow about Rs. 12 $\frac{1}{2}$ crores at the rate of 3 per cent. interest and 3 per cent. growth of the sinking fund; the loan being current for 30 years. Unfortunately, however, this cannot be. The actual borrowing capacity of the Corporation has got to be ascertained on the basis of the recurring receipts over the recurring expenditure. It was because of this condition that the Corporation was debarred from raising any loan during the past several years and could not undertake any loanable work. As a matter of fact it was in 1942-43 that the last loan of Rs. 21,10,000 for capital projects and Rs. 17,64,400 for repayment of old loans could be raised and since then for the last 7 years the Corporation acquired no borrowing capacity and could contract no loan.

94. It is needless to dilate on the fact that loans either for capital projects or for repayment of old loans bearing higher rate of interest are of great advantage for a large concern like this. Capital projects are generally productive of increased revenue and they reduce recurring expenditure, the loan for the purpose thus repaying itself within an estimated period. The Corporation has been seriously handicapped by the wiping out of its borrowing capacity.

95. The actual position of the outstanding loans and the sinking funds as on 31st March 1948 is shown below:—

	Rs.
(i) Total amount of outstanding loan as on 31st March 1948 ...	7,73,50,992
(ii) Total accumulation in the sinking fund as on 31st March 1948 ...	3,97,55,153

In addition to the above, the following statement shows loans and advances from Government which are outstanding:—

Year of receipt.	Particulars.	Loans and advances.	Remarks.
		Rs.	
1945-46	Advance for purchase of motor lorries as per Lt.-Col. Harris Scheme.	12,80,000	The interest at 2 per cent on this loan is being paid annually.
1946-47	Dearness concessions loans for payment of dearness concessions.	10,17,285	Out of Rs. 2,01,46,147-12-6 paid up to the end of 1946-47, Rs. 1,91,28,802-12-6 was for subvention and Rs. 10,17,285 as loan.
	Loan for financing the project of laying U.F.W. Main from the junction of Debendra Ghosh Road to Syed Ameer Ali Avenue.	3,70,000	This loan at 3 per cent. is repayable in ten equated annual instalments of Rs. 43,375-4-6 with the option of repaying the balance out of Loan Fund. Two instalments have already been paid.
	Advance for execution of urgent loan projects and cleaning surface drains in Maniktolla and Cossipore.	15,37,000	At 3 per cent.
	Interest-free loan for payment of arrear dearness allowance.	10,00,000	
	Loan for Corporation contribution to the Fire Brigade for purchase of a turn table ladder.	83,500	This loan at 3 per cent. is repayable in 15 equated annual instalments of Rs. 6,994-8-0. Two instalments have already been paid.
1947-48	Dearness concessions Advance to meet financial emergency.	50,00,000	At 3 per cent.
1948-49	Advance to meet financial emergency.	20,00,000	At 3 per cent. Rs. 5 lakhs has already been paid.

96. The surplus obtainable out of income over expenditure as shown by us will depend upon various factors to which we shall refer. It may be pointed out at the outset that this will involve legislative changes, both inside the Calcutta Municipal Act as also outside it. We do not know how soon those changes may be effected. Even if the remedies as indicated by us come within grasp, no tangible result will be possible

of achievement unless and until the entire tax administration of the Corporation is re-modelled.

In our calculation, we have mostly relied upon the existing sources of revenue and a little widening of them. We do not think, however, that in any case the Corporation standing on its own resources will be able to meet all its obligations which are growing by leaps and bounds. The city and its population are increasing out of all proportions and beyond all normal strides. This is due to factors over which the Corporation have no control and will not have any in future. It has arisen out of problems which are entirely extraneous in origin and it is difficult to envisage how ultimately those problems will resolve themselves. It is easy to comprehend that Calcutta is growing fast and will grow faster still, making larger and larger claims on the essential services maintained by the Corporation. Besides the residential population, a large floating population is also a burden on the city's services, although the Corporation's power of taxation cannot reach the latter. It will not do merely looking at the shortcomings of the Corporation. In the altered political conditions, Calcutta from all points of view is synonymous with the province of which it is the capital city. If the local administration of big cities like London depends substantially on contributions from the National Exchequer and from proceeds of certain local taxations, Calcutta's claim thereto is certainly more well-founded, both in the political context as also in the difficulties inherent to a city which after all has arisen out of a marshy swamp requiring special treatment at every step of its growth. The Commission is fully aware of the financial stringency from which the truncated province of West Bengal is suffering, but much as they hesitate to suggest anything for the Corporation trenching on the revenue of the province, we consider it imperative that some share of proceeds of local taxations such as the amusement tax and sales tax raised in Calcutta should go to the Corporation. These taxes are raised not only from the residents of Calcutta but also from the non-residents who are, as we have already said, the daily sojourners who draw upon the city's services, but pay nothing for their maintenance. We leave it to be decided between the Corporation and the Provincial Government as to what may be the share of the Corporation to these taxes.

97. The Central Government has also its obligations towards the city of Calcutta. Calcutta provides the ground for the raising of large revenues to the Centre. Much of India's trade and commerce is centred in this cosmopolitan city, and its services must be maintained at a higher standard in order that India's prosperity out of Calcutta's trade and commerce may not be hampered.

98. The political condition arising out of the partition of Bengal has tremendously increased the burden of the city administration and this, by all means, is an all-India question. Wave after wave of refugees coming to Calcutta is putting the utmost strain on the Corporation services and shaking them to their foundation, already worn out because of war conditions, civil commotion and chronic paucity of funds. It is necessary, therefore, that the Corporation should be helped in getting itself well-equipped to render essential services to the stricken humanity who have already arrived and who may come hereafter, the danger of further influx of refugees being always open. It is just and proper that suitable subventions should be granted to the Corporation by the Central Government also.

Financial Administration.

99. The whole structure of the financial administration of the Corporation should be so motivated as to obtain the maximum result out of

assessment of demands of the various kinds, collection thereof and by the avoidance of unnecessary expenditure. The Assessment, the License and the Collection Departments must be energised. Factors which have hitherto stood in the way of the officers of the Corporation giving of their best or which have granted impunity to languor and dishonesty on their part must be eliminated. The most urgent reform lies in the creation of conditions in which it will be possible to hold a single officer responsible for all lapses in the fixation of demands or in the collection of the same as also on account of any wasteful expenditure. That officer must be the Chief Executive Officer and he must have very wide powers to control the subordinate staff. He should have the assistance of two responsible officers, viz., (1) a Finance Officer, and (2) a Revenue Officer. The Chief Executive Officer should be out and out an Administrative Officer. He and his two Deputies should have nothing to do with the hearing of objections to assessments which take away most of their time. On this matter we have already expressed our opinion and need not recount the same here.

100. The Finance Officer.—He may be designated as the Chief Accountant and Financial Adviser. His power and duties should be statutory. His duties will be as follows:—

- (1) He shall regulate and control the finance of the Corporation.
- (2) All proposals involving expenditure out of the Municipal Fund—whether on account of capital or revenue—shall pass through him.
- (3) It will be his duty to examine and report on the financial effect of all proposals for expenditure before liabilities are incurred.
- (4) He will advise the Corporation about the admissibility, reasonableness and economic efficiency of any proposal for expenditure and the availability of funds for it. His suggestions and recommendations should be definite and free from vagueness and in case of a difference of opinion between him and the Chief Executive Officer, the matter should forthwith go to the Standing Finance Committee for decision.
- (5) He will obtain weekly statements of progress of collection of various demands and draw Chief Executive Officer's attention to all cases where it is lagging.
- (6) He will examine arrear demands from time to time to ascertain the causes of arrears and bring them to the notice of the Chief Executive Officer recommending suitable action to be taken.
- (7) He will be competent to inspect the records and registers relating to assessment of demands, collections and arrears and also receipts and expenditure of all departments and shall do so periodically.
- (8) He will obtain in due time from all heads of departments their requirements of funds for the next year, scrutinize such statements and assist the Chief Executive Officer in his preparation of the draft budget.
- (9) He will keep watch over the progress of expenditure under various heads to see that no expenditure is incurred in excess of the budget provision.
- (10) He will make arrangement for the proper costing of products of workshop—manufactured or repaired—in order to ascertain if the work done is economical or not.

(11) He will draw up a set of account rules for the guidance of all departments in account matters. After these rules are approved by the Corporation, Government's approval thereto should be obtained. The present Account Code which was printed in 1912 has become out of date and has no statutory binding.

(12) He should draw up a set of Statutory Service Rules to govern appointments, fixation of pay, conditions of service, punishment and dismissal, etc. The provisions now obtaining in the Office System Manual have become obsolete and have no statutory binding either.

Promotion or demotion or the grant of extra remuneration to any employee on the motion of a Councillor should be specifically prohibited by the rules—a factor apt to demoralise the entire administration. •

101. The Financial Officer will be assisted by two Deputies, one of whom will be entirely in charge of Corporation Accounts and the passing of bills. The other Deputy will assist the Financial Officer generally and shall be in charge of internal audit, stock-taking of stores and matters relating to assessment and collection of various demands so far as they relate to duties entrusted to the Financial Officer.

102. Revenue Officer.—We propose that all departments concerned with assessment and collection should come under one officer who may be designated as Chief Revenue Officer. He may be one of the two Deputy Executive Officers who will be solely responsible for the revenue administration. The following departments should come under him:—

- (e) Assessment.
- (b) Collection.
- (c) License.
- (d) Markets.
- (e) Sale of Water.
- (f) Law Department so far as it relates to collection of dues.

103. It will be his duty to obtain a weekly statement from the Collector showing progress of collection. He shall also inspect the Collector's Office twice a month and make a report in writing on the state of collection and the work of the different officers of that department. He will scrutinize all bills proposed to be transferred to the Law Department for realisation by suit and record a certificate in respect of each such bill that all endeavours within the scope of the Act had been made by the Collector prior to its proposed transfer to the Law Department. The usual practice should be that previous approval of the Law Officer is obtained before any bill is transferred to him. It shall be also a duty of the Chief Revenue Officer to inspect the Law Department at least once a month and make a report to the Chief Executive Officer as to how bills transferred to the Law Department are being treated. For this purpose he should inspect the registers maintained in the Law Department. He should keep a personal diary showing visits paid by him to the different wards from time to time to check up the work of collecting agents. His visits to the different wards should also be directed towards finding out whether buildings under construction have been sanctioned or not and whether rates and fees derivable from such buildings have been paid. He should also verify the accuracy of all other demands including license fees and taxes. In short, his work must be as much indoor as outdoor and his daily diary must give a full account of the duties performed by him. The Chief Revenue Officer's diary should be submitted at the end of each month to the Chief Executive Officer who should return it with his observations

thereon. It will be his duty to submit a monthly return of progress of assessment and collection to the Finance Officer to keep him informed of up-to-date revenue position.

104. Assessor.—The Assessor will be responsible for seeing that assessment is properly and promptly made. It should be his duty to make local inspections himself and report to the Chief Revenue Officer all cases of detection of under-assessment and non-assessment for summary punishment of the defaulting staff. The Assessor must also keep a diary showing the work done by him from day to day, both indoor and outdoor, and the dairy should be submitted to the Chief Revenue Officer at the end of each month. Similarly, all the outdoor staff subordinate to the Assessor must keep a diary and submit the same to the Assessor through their immediate superiors. The Chief Revenue Officer should have power to punish delinquent staff under him subject to the general conditions of the services.

105. Collector.—In the same way the Collector should constantly move about checking the work of his subordinates, keep a daily diary and submit reports to the Chief Revenue Officer.

106. In our opinion the License Department should be entrusted only with the creation of the demand but the collection of license fees and taxes except in the case of hawkers, should be taken out of the hands of the department and entrusted to the Collection Department. There should be power to realize every species of license fees by distress. It is expected that this arrangement will lead to the following advantages:

- (a) Under the present arrangement it is likely that the License Department stops at creating only that much demand which it can possibly collect in full and thus show a high percentage of collection in proportion to the demand. If the responsibility for collection is taken away from this department, it is expected that it will not hesitate to make the demand as high as it should be.
- (b) It is often the case that the owner or the occupier of a house is also engaged in some business or profession. This means that the Corporation has two bills to realise from the same person, viz., a rate-bill as well as a license bill. If the collection of both the bills is entrusted to one and the same department, only one bailiff need call at the premises and collect both the bills. This will mean not only quick collection but the collection cost will also be low as one bailiff will be able to do the work of two bailiffs. There will be a saving also in the travelling charges incurred for one bailiff in place of two.

107. We have found that the assessment and collection of license fees are hampered on account of non-receipt of necessary information from the Health Department. The Chief Executive Officer should see that the Health and the License Departments work promptly and in complete co-operation.

108. The assessment of awning license which is a potential source of revenue is now in the hands of the District Engineers. This should also be taken over by the License Department and the collection of the demand by the Collection Department.

109. A possible way of facilitating collection lies in making it worth the tax-payers' while to make payment direct to the Corporation without waiting for the bailiff's visit. A beginning should be made in sending rate-bills by post and offering

some rebate for payment within a specified date. In this respect the manner and place of paying taxes should be convenient for the tax-payers and the administration. The more convenient tax payments are the more popular the tax tends to become and the easier it is for the administration to control revenue. It should be remembered that when the convenience of the tax-payers conflicts with the convenience of the administration, the two points of view should be compromised as happily as possible, with the presumption in favour of the tax-payers. It may be necessary to open offices in the different wards for voluntary payment of taxes in addition to granting rebate. The financial implication of these measures in relation to the possible reduction of bailiffs will have to be examined.

110. The Chief Executive Officer should arrange to examine all the pending bills lying in the Law Department, sort out those which have become time-barred and irrecoverable, and those which should go back to the Collector for realisation under the summary procedure provided under the Act. The irrecoverable bills should not unnecessarily encumber the accounts and raise the volume of unreal assets. The responsibility for allowing bills to be time-barred should be fixed and persons guilty of dereliction of duty in that respect should be punished.

111. We suggest that the arrangement for reward for good collection of rate-bills should also comprehend punishment for bad collection. Names of officers who are rewarded for good collection should be published annually in the *Calcutta Municipal Gazette* so as to create a healthy rivalry among the collection staff and an incentive for good work.

112. A complaint is sometimes made by the Collection Department that bills returned to the Assessment Department do not come back promptly so as to help them in the matter of collection. This action or rather inaction on the part of the Assessment Department, if true, is most undesirable. Ordinarily, no case should be held over by the Assessment Department for more than a week. The Assessor must personally inspect his department at least once every week and see that such disputed cases are promptly attended to by his subordinates. This is a matter which should also engage the attention of the Chief Revenue Officer.

113. Standing Finance Committee.—Subject to the general control exercised by the Corporation in voting the budget, the final controlling authority with regard to all matters concerning income and expenditure as in the budget will be vested in the Standing Finance Committee.

No new proposals for expenditure or alteration of schemes should be sanctioned by the Standing Finance Committee without the authority of the Corporation.

The formation of this committee should, in our opinion, be specifically provided in the Act and not left to the option of the Corporation along with all other committees as envisaged in section 71 of the Act. Its powers and duties should be expressly laid down in the Act.

Broadly speaking, its duties should be (a) to watch receipts and expenditure within the budget and (b) to control variations from the budget during the course of the year.

The budget initially prepared by the Chief Executive Officer will require the approval of the Finance Standing Committee before its presentation to the Corporation. It will be the duty of the Finance Standing Committee to see that necessary provisions have been made for all works previously sanctioned but which remain half finished or not taken up, before admitting provisions for entirely new items except only in emergent cases.

Once the funds provided in the budget are voted by the Corporation for expenditure during a financial year, it will be the concern of the Executive as a whole under the responsibility of the Chief Executive Officer to see that the activities of the Corporation through various departmental heads are properly carried out and no expenditure is incurred outside the provisions of the budget. The Finance Standing Committee alone will have the authority to sanction reappropriation of grants from one head to another under the advice of the Finance Officer. The Finance Standing Committee should meet once, every month and oftener, if necessary. Proposals for remissions or writing off of demands which must pass through the Finance Officer will be sanctioned by the Finance Standing Committee. No Standing Committee framed under section 71 of the Act will be entitled to incur any liability outside the budget without previous sanction of the Finance Standing Committee. No capital assets of the Corporation will be alienated or reduced in any way without the approval of the Finance Committee.

In the event of a disagreement between the Finance Standing Committee and any other committee on any matter involving municipal funds, the decision shall rest with the Corporation at a meeting.

114. Government Audit.—Under section 121 of the Annual accounts of the Corporation are examined and audited by the Accountant-General and the Examiner of Local Accounts, West Bengal, jointly. The cost of this audit amounting to a lakh of rupees approximately per year is borne by the Provincial Government. The Corporation is not required to make any contribution on this account. The audit done by an expert staff pointing out the errors and irregularities entailing loss of funds is intended to be helpful to the Corporation administration. We have gone through the audit reports of successive years and the replies to audit objections. The impression which these documents created in our minds is that the departmental heads generally failed to take the audit observations in the proper spirit but instead tried to shield their erring subordinates. The Corporation as a body also did not pay due regard to these reports. Consequently no useful result ensued out of the audit and the same defects persisted from year to year.

The more audit objections go in vain the more are delinquencies encouraged. We feel that some measures are essentially necessary to make audit more effective, both in the interest of the administration of the Corporation as also in the interest of the rate-payers.

The salutary provision in section 123A which lays down that the Corporation shall publish the auditors' report with their replies to each item thereof and make the same available for sale to the public is not being given effect to for some time past after the outbreak of the war. This should now recommence.

Section 123B empowers the auditors to disallow any item of account contrary to law and surcharge the same on the person making or authorising the making of the illegal payment. Provision is also made in that section authorising the auditors to "charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought to account by that person."

This provision for charging any person against any deficiency or loss of Corporation funds due to negligence or misconduct has been rendered inoperative on account of an interpretation of the section by the Advocate-General that "person accounting" is the body corporate and not any individual and this authoritative opinion has precluded surcharge of the individual responsible

for negligence or misconduct. The provision of surcharge has thus become infructuous and section 123B has failed to enhance the effectiveness of audit as contemplated. The section should be suitably amended.

Appeals against surcharge should lie only in the High Court and not Small Cause Court.

115. Suggestions for legislative changes.

I. Calcutta Municipal Act.—

Section 51.—To substitute "Chief Accountant" by "Finance Officer and Chief Accountant." In the proviso to this section the services of the Finance Officer and Chief Accountant should be added.

Section 71.—The formation of the Finance Standing Committee should be specifically provided in the Act and their powers and duties defined.

Section 93.—To require the Chief Executive Officer to so prepare his budget estimate as to show an appropriate closing cash balance.

Section 94(c).—To substitute Rs. 30 lakhs for Rs. 6 lakhs.

Section 95.—A new section between sections 94 and 95 providing for adoption of Chief Executive Officer's budget as the budget of the Corporation for the year in the event of the Corporation failing to adopt it in due time.

Sections 123B and 123C.—To be revised suitably as suggested in paragraph 114—Government audit.

Section 181.—See paragraph 85(9) regarding cess on storage of petroleum.

Section 231.—To substitute Rs. 10 for Rs. 5.

Schedule VI of the Act.—To be revised.

An express provision in the Act should be made laying down that reasons should be recorded by the different authorities for—

- (a) reducing any demand or valuation for the purpose of creation of any demand;
- (b) for accepting any tender other than the lowest or any lower tender.

II. Licensed Warehouse and Fire Brigade Act.

Section 10.—To be revised as suggested in paragraph 85(8) regarding Licensed Warehouse Fund.

III. Calcutta Improvement Act.—Sub-section 1 of section 88.—Add "Subject to a maximum of Rs. 20 lakhs."

IV. Motor Vehicles Tax Act, 1932.—Section 10(1).—Substitute "20 lakhs" for "Rs. 4½ lakhs."

V. The Calcutta Port Act.—To bring the Port Commissioners' properties within the ordinary provisions of the Calcutta Municipal Act, 1923, for the purpose of assessment of consolidated rate.

CHAPTER XXV.

Conclusion.

As required by the Statute constituting the Corporation of Calcutta Commission, we have now concluded our investigation into the finances and administration of the Corporation, and the working of the Calcutta Municipal Act, 1923, and have recorded our conclusions. The task has been no light one. The Corporation has to carry out its statutory duties and functions through a vast organisation and we had to look into the internal management of all the departments since 1924 before we could report on the general position with any degree of accuracy.

2. The inquiry has revealed a lamentable state of things and we have pointed out the abuses that have crept into the administration and their causes, and suggested remedies for the consideration of Government. It is enough to say that the finances are in a bad state, and the administration full of abuses due to neglect of duty, corruption and wilful violations of the law. It would not be an exaggeration to say that financially the Corporation is heading for disaster, and is unable to meet its necessary expenses. This inability is largely, though not wholly, due to maladministration. It is true that since the last war, due to various factors such as the sudden increase of population, the increased cost of labour and materials, and labour and political disturbances, the resources of the Corporation have been taxed to the utmost, but the administration before and since the war had and has virtually the same characteristics. The resources which were at the disposal or command of the Corporation were not utilised to the full. On the other hand, the revenue from most of the taxes was reduced by under-assessment and by omission to collect dues even on that footing. The unrealised arrears of consolidated rate, for instance, even today amounts to a figure exceeding a crore of rupees. Large sums due as rates or rents have been allowed to be barred by limitation, and nobody has been held responsible for this loss. Expenditure has been, generally speaking, wasteful, such as large payments made to contractors in excess of their just dues, or large advances made of which no account has been insisted upon. We have pointed out malpractices in the departments which have nothing to do with the war, and which occur and could go on because they were profitable to somebody, not the Corporation.

Laxity and indiscipline could be seen in the departments which the slightest supervision could have prevented, but there was no supervision by the higher officers, and no punishment, generally speaking, for those in default.

The reason appeared to us to be plain. The administration was by the Corporation itself, through the Committees, and the Chief Executive Officer was left without any power and consequently without any responsibility. The Corporation or the Committees were dominated by influential Councillors who were men of position in this city, but they knew nothing of administration. Instead of leaving the management to a capable administrator with necessary powers, the Councillors took a hand in the actual administration, and though not in actual touch with the departmental work, appointed and promoted the staff. The Act of 1923 is an admirable piece of legislation, but the finest machine in the world is worked by men, and men ruined it by incapacity. There are two provisions in the Act which made that possible, though this could not have been contemplated. The restricted franchise and the Election Rules made a close preserve of a constituency and the Executive came to have an effective hand in the elections. The other provision is that the Act does not give any administrative powers to the Chief Executive except such as might be delegated to it by the Corporation. It was open to the Corporation to appoint its Executive Officer, and vest him with all executive powers, so that he might carry out its policy and might be held responsible for the results. Nothing of that kind was done.

We consider our suggestions on this point in Chapter II as worthy of serious consideration, believing as we do that concentration of authority in a singly individual is essentially necessary for effective administration of the city's large affairs.

Our recommendations in the Interim Report were intended to secure a Corporation based on restricted adult franchise and genuine election.

We conclude by adding that our other recommendations deal with the details of administration. Some of these will require legislation, but a good deal might still be achieved by administrative action, if there was a capable Executive Officer determined and permitted to do his duty without fear or favour.

We deem it fair to add that in consequence of the large increase of population and the increased costs of the Municipal Services, the Corporation, even if well administered, is not in a position to carry out its duties without a further augmentation of its present sources of revenue. Government, in our opinion, should add a few new sources of revenue, as we have recommended in the Chapter on Finance. Calcutta might claim also a share of the provincial revenue, which is characteristically municipal, such as Sales Tax. Entertainments Tax, Electricity Tax, the incidence of which is mainly in the city of Calcutta.

CHAPTER XXVI.

Summary of Recommendations.

PART I.

INTERIM REPORT (ALREADY SUBMITTED).

1. (1) There should be a Corporation Election Commission which shall be the authority for preparing, publishing and revising the Electoral Roll and for the conduct of elections.

The Commission should consist of not less than three members selected out of some such panel as set out below:—

- (1) Chairman, West Bengal Public Services Commission;
- (2) Chairman, Proposed Municipal Public Services Commission;
- (3) A nominee of the Provincial Government who shall be, or has been, a judicial officer of not less than ten years' standing, and not below the rank of a District Judge;
- (4) A nominee of the Provincial Governor who shall be a representative of trade, commerce or industry or a distinguished citizen of Calcutta from any other walk of life.

None of the members of the Commission shall be a Councillor, officer, or servant, of the Corporation, or otherwise have any connection with that body. The Commission shall have power to make provision with respect to all matters relating to, or in connection with Corporation elections. They shall appoint the whole of the electioneering staff, and exercise all the powers which are at present exercised by the Provincial Government under the Act, and by the Registering Authority and the Election Officer under rules framed thereunder (sections 25 and 30).

(2) (a) Calcutta should be divided into 75 wards and the Corporation should consist of 75 Councillors, each ward electing a single Councillor.

(b) The election will be upon qualified adult franchise, the present franchise being extended as follows:—

Every person, male or female, who has attained the age of 21 years on a specified date shall be qualified as an elector in a constituency—

(i) if for a period of one year up to a specified date he or she has resided in a dwelling in the city; or

(ii) if he or she, being liable to pay, has paid to the Corporation any rate, tax or fee imposed under the Calcutta Municipal Act in the year next before the year of election.

There should be a provision that no one should be enrolled as a voter in more than one constituency or ward.

(c) No special or communal constituency.

(d) Mayor and Deputy Mayor to be elected as at present.

(e) Term of office of the Councillors will be the same as now.

(f) *Qualifications of a Councillor.*—Must be (i) an Indian citizen, (ii) not less than 30 years of age, (iii) either registered as an elector in the ward which he seeks to represent, or owns property there, or has resided there for 18 months.

(g) *A new disqualification.*—Failure to pay any dues due by him (otherwise than as a trustee) to the Corporation within three months after a special notice in this behalf has been served upon him. The Commissioners would also ask Government to consider whether a conviction for any, and if so, for what, municipal offence mentioned in Chapter XXXVI of the Calcutta Municipal Act, 1923, should not disqualify a candidate for the office of Councillor, provision being made, if necessary, for removal of the disqualification by Government in particular cases.

PART II.

CHAPTER I—INTRODUCTORY.

CHAPTER II—FORM OF GOVERNMENT.

With a view to reconcile democratic control with administrative efficiency, it is essential (1) to separate the policy-making function and the administrative function of the Corporation, and (2) to integrate responsibility with authority by providing a unifying executive head.

2. The Council-Manager form of government now in vogue in most American cities is accordingly recommended as combining these two features. This includes a Council elected by the people, a Mayor elected by the Council for the performance of ceremonial duties and a Chief Executive Officer or City Manager appointed by the Council to serve as executive head for an indefinite term.

3. The Council will lay down the policy, control the raising and appropriation of funds, determine the levy of taxes and the raising of loans, and will also appoint and dismiss the Manager. The Manager who will be immediately responsible to the Council will carry out the Council's policies, spend funds which the Council has appropriated, supervise the work of the administrative departments and make all appointments. No administrative authority will be given to the Council except the employment and the discharge of the City Manager.

The Manager is to be appointed solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect of the duties of his office.

The Manager will select his departmental heads and subordinates and utilise their knowledge in performing his tasks of supervision and co-ordination so that he will have more time and energy to devote to the larger problems of over-all administration.

4. Special institutions should be set up by Government for training administrative personnel for local bodies as has been done in America.

5. The Council should establish local offices at convenient centres which should be in charge of administrative assistants to be appointed by and under the control of the Chief Executive Officer and where citizens may make enquiries, have access to public records, report complaints, pay taxes and transact other business.

6. Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Any Council-man violating this rule shall be guilty of a penal offence.

7. The City Manager shall be appointed for an indefinite term and be removed by a majority vote of the members. His appointment and dismissal shall continue to be subject to the approval of Government. He shall be entitled to a seat in the Council but have no vote therein. Heads of departments and other officers to be designated by the Council shall also be entitled to be present at a meeting of the Council and take part in the discussions relating to their respective departments.

8. The Chief Executive Officer should have a large voice in determining the structure and organisation of the administrative branch of Corporation service subject to the final control of the Council.

9. Appointments and promotions in the administrative service shall be made according to merit and fitness to be ascertained as far as practicable by competitive examinations. There should be a Department of Personnel to administer the merit system. The head of this department shall be the Personnel Director to be appointed by the Chief Executive Officer. There should also be a Municipal Services Commission, consisting of three members, one of whom to be appointed by the Council, one by the Chief Executive Officer and one by the Government. The Municipal Services Commission will advise the Council and the Director of Personnel on all questions relating to appointments, removals and promotions, classification of services, and generally on all problems concerning personnel administration. The Commission or the Personnel Board shall also hear appeals in case any officer or employee is suspended, reduced or removed, and report in writing to the Chief Executive Officer its finding and recommendations.

10. Express provision should be made empowering the Council, the Chief Executive Officer or any person or Committee authorised by either of them to enquire into the conduct of any office, department, agency or officer and to make enquiries into and report on municipal affairs.

11. Committees should keep within the limited functions of the authority which they represent and should be helpful in ensuring control of the Council to secure efficiency of administration. Statutory provision should be made for appointment of a Finance Committee and a Committee for Primary Education.

CHAPTER III—ASSESSMENT.

(1) Section 127(b) should be repealed and in section 127(a) the words "erected for letting purpose or ordinarily let" should be deleted.

(2) Section 126 should make it clear that exemption should depend upon whether public worship or public charity is a public right, not dependent upon anybody's option.

(3) Section 136 should be so amended as to make a submission of a return obligatory, and the notice calling for it need not be personally served, but need only appear in the official gazette and in some of the Calcutta newspapers. The return should be verified, and false returns ought to be punishable under the Penal Code.

(4) Section 145 requiring notice of transfer or devolution should be enforced, and in addition to the penalty under the Act under section 488, there should be a further provision that a person who has not given the notice required would not be a necessary party in a charge suit for recovery of the rates, but will be bound by the decree made in such a suit. His liability for rates will continue until the notice of transfer is received.

(5) If section 127(b) is repealed provisos (iii) and (iv) should be repealed.

(6) In section 126(4) Rs. 100 should be substituted for Rs. 20.

(7) Objections to assessment should be heard by one or more judicial officers to be appointed by Government, with a right of appeal to the High Court, and that, only on a point of law.

(8) There should be a statutory time-limit for filing objections, and the time will run from the date on which the draft assessment list is filed in the Municipal Office, and a notice of that date is given by public advertisement.

(9) It should be open to the authority hearing an objection to assessment to increase the assessment, apart from fraud or misrepresentation.

(10) No assessment made by the Assessor shall be reduced or enhanced except for reasons to be recorded.

(11) That if an unauthorised building is not demolished, its assessment should be at double the rate prescribed under section 125 of the Calcutta Municipal Act. This will require a proviso to the section 125.

(12) That the method of valuing Port Commissioners' properties under the Calcutta Port Act should be changed. To these also section 127(a) of the Calcutta Municipal Act should apply.

(13) An administrative order that fraudulent omission to assess, or fraudulent under-assessment shall entail dismissal of the officer responsible.

CHAPTER IV—BUILDINGS.

(1) Either a City Architect with administrative capacity should be appointed to clear this department of all inefficient and corrupt officers, or a special officer should be appointed to inspect his office, and clear it of all such persons, so that the present Architect, a new man, might start with a reasonably efficient and honest staff.

(2) Subject to the control of the Chief Executive Officer he should have full disciplinary powers over his staff.

(3) If our recommendations as to the correct relation between the Corporation and the Chief Executive Officer are accepted there should be an appeal from the decision of the City Architect granting or refusing a building sanction, to the Chief Executive Officer, and there should be second appeal to a tribunal suggested by the Institute of Engineers. The tribunal should be composed of 5 members, of whom one should be a lawyer, another an engineer and a third a doctor. These may be appointed by the Corporation or by the local Government.

CHAPTER V—COLLECTION.

(1) An enquiry ought to be held to find out the total amount barred by limitation, and the officers responsible ought to be required to discharge themselves by showing want of negligence.

(2) Distraint under section 191 should in the circumstances stated therein ordinarily issue, and should not be stayed except for reasons to be recorded.

(3) If for any reason the presentation of a bill is difficult it may be sent by registered post, and thereafter, if default continues, section 191 should apply. This will require a slight amendment of section 191.

(4) Transfer to the Assessor of bills not requiring amendment should be brought to the notice of the Chief Executive Officer, and an explanation of the Collector should be taken for returning them to the Assessor. Similarly Assessor should explain why defective bills were sent to the Collector.

(5) No rate-bills should be sent back by the Collector to the Assessor because of any claim for remission without a certificate by the Collector that written notice under section 151 had been presented to the Chief Executive Officer and not to any officer subordinate to him outside office.

(6) The percentage entitling the Collector to bonus should be calculated on the gross current demand reduced by nothing except the amount of the bills sent back to the Assessor for correction provided there is something to correct.

(7) As to the bills returned to the Assessor by the Collector for correction, these not requiring correction should be sent back forthwith, and not after the expiry of the current year, so that the amount of these bills so far as they relate to the current year may not be deducted from the current demand. As to the rest, the Assessor must correct, or amend, and send back the bills to the Collector for realisation, but if there are any disputed bills, the amount of these and the nature of the dispute should be noted by the Assessor and the approval of the Executive Officer taken for not sending these bills to the Collector.

CHAPTER VI—LAW.

(1) The Collector should have no power to transfer demands to the Law Department, but the Deputy Executive Officer may sanction such transfer only after satisfying himself in consultation with the Chief Law Officer by examining the diaries of the bailiffs or Collecting Inspectors that full advantage has been taken of section 190 to section 201 and sections 203 and 519 of the Calcutta Municipal Act. The Collector who endeavours to transfer the arrears to the Law Department without fully applying the summary remedies should be held unfit for his job.

(2) As to the arrears that have actually accumulated in the Law Department, the Chief Law Officer, if well within limitation, will send out written requests for payment. We know that such requests have been complied with by defaulters.

(3) In charge suits the Corporation will be bound to implead only those who are on the Assessment Register as owners or occupiers, and not subsequent transferees, or even heirs not applied for mutation, so long as one man at least of the recorded owners on the Assessment Register is alive. This last requirement is not a requirement in summary sales, like revenue or *patni* sales, but we should not go so far, as that may encourage acquisition of property by fraud. This recommendation will require legislation, but this provision alone will make it possible for the Law Department to put its arrears into suits.

(4) Arrears of consolidated rates and all liquidated sums due to the Corporation under the Act should bear interest at 12 per cent. per annum if not paid on presentation of the bills by bailiffs or by registered post. This also will require legislation.

(5) The power to remit this interest or the cost of the notice of distress should be taken away, or very sparingly used for reasons to be recorded.

(6) Corporation demands, if they are heavily in arrear, should not be reduced by way of compromise as has been frequently done, so that default might not turn out to be an advantage, as it has done in some cases.

(7) No ratepayers who are in arrear should be entitled to vacancy remission anywhere.

(8) The practice of getting the registers written up by lawyers, or by any persons not in the service of the Corporation in the Law Department ought to be strictly forbidden, and the Law Officer or Assistant Law Officer must inspect the registers at least once a week to satisfy themselves that the registers are properly kept by the Law Assistants in the department.

(9) There should be power in the Chief Law Officer to punish his subordinates for neglect of duty so that he may be held responsible for mismanagement such as has gone on.

(10) The Law Department requires inspection as we have pointed out in the Chapter on Law Department, and omission to keep the register properly ought to be severely dealt with.

(11) Amounts noted as paid by judgment-debtors in full or part satisfaction of decrees ought to be checked by looking at the decrees and costs allowed in execution proceedings and these amounts should get upon the register in the course of business and not at the moment of payment.

CHAPTER VII—LICENSE.

(1) Where a place of business occupies a portion of one set of premises and has not been separately valued under Chapter X of the Municipal Act, and the valuation thereof for charging the license fee is made by the License Inspector, the valuation should be checked by the License Officer or the Deputy License Officer in a larger percentage of cases than at present and the License Inspector should put down the figure for the valuation of the entire premises according to the Assessment Register, as entered in the rate bill relating thereto.

(2) Deliberate undervaluation to reduce license fee should entail dismissal.

(3) Omission to take out a license where this is, or made obligatory should double the license fee. Hawking or trading except in a shop or a fixed place of business without a license should be a cognisable offence unless a license is taken out at the moment it is demanded.

(4) Distraint as well as prosecution should be open to recover every license fees imposed by or under the Act and not prosecution alone as now in certain cases (sections 386, 396, 405, 413, 390 and 428).

(5) There should be power in the License Officer to report breaches of duty of the officers under him to the Chief Executive Officer who should have power to punish them by reduction or removal. It will be the duty of the License Officer to report serious breaches of duty without condoning them.

CHAPTER VIII—CORPORATION PROPERTY.

The Collector whose duty it is to collect the rents should be held accountable for the rents not collected or allowed to be barred by limitation, although he should be able to discharge himself from the liability by showing that the omission to collect was not due to negligence. This rule should apply to all demands sent to the Collector for realisation.

CHAPTER IX—HEALTH.

(1) Each District Health Officer should keep a diary.

(2) The system of food inspection ought to be thoroughly overhauled, and there should be constant and close inspection of the work of the Food Inspectors by the District Health Officer.

(3) Samples sent by the Food Inspectors to the Laboratory must be analysed, and the results noted on the forms within a week at the outside. No outsider should be allowed to come into the Laboratory and the Laboratory should be relieved of the task of blood, stool and sputum examination for the benefit of indigent people or anybody. The District Health Officer should send a weekly report to the Health Officers recording their opinion, based on actual observation, whether the Sanitary Inspectors are doing their duty.

(4) The Corporation should not devote more time and money to remedial medicine than it has been doing, and there should be no addition to the existing number of free Corporation dispensaries; and grants to private hospitals and dispensaries ought to be more judiciously given.

(5) There must be power in the Health Officer, delegated by the Chief Executive Officer to punish or remove his subordinates who do not do their duty or at all events, to report them for disciplinary action.

CHAPTER X—WATER-SUPPLY.

(1) Filtered water-supply should be augmented and its distribution improved.

(2) For a short-term plan, the recommendations of the Committee of 1945 approved, particularly the sinking of well as an additional source of water; but we suggest:—

(a) replacing of steam plants by electric plants. Wasteful expenditure on coal should be avoided,

(b) the Committee's plan provides for a continuous supply of 122 to 132 million gallons of filtered water per day for an estimated population of 3·5 millions in 1956. The requirements should be for a population of about 5 millions in that year.

(3) For a long-term plan we make the following recommendations:—

(i) There should be only one system of supply of water for the city of Calcutta. The unfiltered water-supply should be abolished as quickly as possible. The unfiltered water mains after proper treatment will be available for the conveyance of filtered water.

(ii) There should be "continuous supply" of "safe" water under suitable pressure. There is no difficulty in doing this. In addition to the supply from Pulta, alternative sources of ground water (tube-well water) should be provided within the city after proper investigation.

(iii) The supply that should be arranged for should not be less than 300 million gallons per day. This figure has been arrived at on the assumption that provision should be made for 5 million people in Calcutta with 60 gallons of water per head for all purposes. This allowance ought to be adequate.

(iv) The remodelling of the distribution system is an urgent necessity. The map of the water-supply system annexed to this report embodies the suggestions of the Expert Committee with regard to this point. The distribution should be equitable and according to demands based on population. The use of very thin pipes

should be discontinued. According to expert opinion the use of any main less than 6 inches for unfiltered and 4 inches for filtered water to the street ought not to be permitted. The city proper should continue to be divided into 4 zones and mains of proper size should radiate from Tallah to the zone centres. Distribution to the area under each zone should commence from the zone centres. Similarly there should be one zone for Maniktola and another for Cossipore, with necessary distribution systems for these areas.

(v) *Prevention of waste.*—The waste of water is excessive in Calcutta. It ought not to exceed 10 to 15 per cent. in well organised water-supply system. In Calcutta, we are informed, it is very much more than this. This brings in the question of metering. Unless a universal system of metering of all water connections to premises is introduced, it will be quite impossible to stop the waste of water that takes place in Calcutta. In addition, there should be house to house inspection for leaky taps and also regular night inspection for finding leaks in the mains.

(4) Wastage of water particularly from ground hydrants and street standposts should be prevented and the cause of this wastage should be removed by regular and increased supply, but in any case, effective measures should be taken to prevent waste. Staff maintained to prevent wastage should be punished for neglect of duty.

(5) Income from sale of water for non-domestic purpose is capable of substantial improvement.

(6) The rate at which water is sold to shipping should be revised so as to yield greater income proportionate to the increased cost of supply.

CHAPTER XI—MARKETS AND SLAUGHTER HOUSES.

(1) Daily rents should be collected daily.

(2) The rule 801 of the Accounts Code imposing a penalty for non-payment of rent on due date should be enforced.

(3) If that Code is not in force, a new Market Manual should be prepared and issued.

(4) Monthly rents should be payable in advance.

(5) The question of a general revision of the rents of the stalls should be seriously taken up, and the system of periodical revision of rents should be introduced.

(6) “Grouping system” in the markets should not be disturbed and competitive sales outside the markets by hawkers should be prevented, where possible.

(7) Any stall-keeper convicted of exposing or selling adulterated food or drug should be forthwith ejected.

(8) Encroachments by stall-keepers should be cleared.

(9) The Health Department should pay greater attention to the markets than they have done.

(10) The Superintendent of every municipal market should be held responsible if the market deteriorates or if income falls, or if large arrears of rent remain unrealised. If these occur, or reasonable improvements are not made he should be considered unfit for the job, unless some cause other than his inefficiency is clear.

(11) Stalls should not be settled without proper advertisement and bid.

(12) No motion from any Councillor to sell or settle any market land or stall or reduce the rent of a stall or cancel or reduce arrears of rent, should be permitted.

CHAPTER XII—CORPORATION STORES DEPARTMENT.

(1) The Controller of Stores should be a technical man of experience, preferably an Engineer, who would be responsible not only for purchasing the stores, but for distributing them among the consuming departments. He should also be responsible for proper accounting of the stock.

(2) He should have a qualified staff, able to keep accounts of stores and all other detailed work in connection with their purchase, receipt and issues.

(3) Proposals for purchasing stores and acceptance of tenders should receive sanction of the appropriate authority without delay; within the budget provision the sanction of the Chief Executive Officer should be sufficient. The monetary limit of the manager should be enhanced.

(4) No stores should ordinarily be purchased except at competitive market rates after inviting tenders.

(5) The accounting and verification of stock of stores should be the special responsibility of the Accounts Department duly performed and not a mere formality as now.

CHAPTER XIII—CONTRACTS.

(1) There should be, as now, an arbitration clause in every contract, but no officer of the Corporation should be the Arbitrator. A simple provision that any dispute or difference arising out of the contract should be referred to arbitration should suffice.

(2) Steps should be taken to prevent recurrence of the objectionable practices pointed out in the chapter, such as, excess payment over sanctioned amounts or making an excess payment out of revenues when the Loan Fund for the purpose of the contract has been exhausted.

(3) The Corporation may consider whether contractors whose transactions have been noticed in this chapter ought to get any contract in future.

(4) The practice of getting an estimate for a lower amount sanctioned and a tender within that amount accepted and thereafter incur expenditure outside the sanctioned estimate or the accepted tender must be put a stop to.

CHAPTER XIV—DRAINAGE.

(1) Schemes of draining the Maniktola and Cossipore areas as also the other projects for completing the drainage system should be carried out as soon as possible.

(2) As the capital expenditure necessary for the purpose is beyond the resources of the Corporation, the Government should come to its assistance.

(3) A depreciation fund should be created, so that the plants and machineries connected with the drainage system may be repaired and replaced when necessary, so that a sudden collapse may not occur.

(4) Attempt should be made to secure the income, hitherto lost from the surplus land of the Kulti Outfall, the income from cultivable area, toll from persons using Dr. Dey's Road, levy of a fee or price for supply of sewage to extensive fisheries on either side of the Storm Water Channel.

CHAPTER XV—LIGHTING AND ELECTRICITY DEPARTMENTS.

(1) Lighting Department as a separate department ought to be abolished. Work of that department ought to be divided on zonal basis among the four District Engineers. Gas lighting of the city should be replaced by electric lighting as early as possible and a beginning in that direction should be made immediately as it will lead to very great savings and better lighting.

(2) Any proposal for expansion of the Electricity Department should be examined with care and scrutiny. The future policy of the Corporation should be one of contraction rather than expansion of that department.

(3) The Electricity Department of the Corporation should not be a rival of the Calcutta Electric Supply Corporation. Attempt should be made through the mediation of the local Government, if necessary, for supply of currents to the Corporation buildings on reasonable terms.

(4) The activity of the Electricity Department may be directed to the maintenance of the electrical machineries installed in various pumping stations. It may also devote its time and energy to improve the schemes of lighting of the city, such as, the gradual replacement of the gas lighting by electricity and in introducing mechanical devices for lighting and extinguishing gas lamps.

CHAPTER XVI—ROADS.

(1) Government of West Bengal should re-open the question of a contribution by the Central Government for repairing the city's roads damaged during the war for military purposes. The 20,14,000 rupees which the Military Authorities had agreed to pay should be recommended.

(2) Out of sixteen hundred roads at Calcutta, six hundred roads have been attended to between April 1948 and August 1949. Vigorous action should be taken to improve the other roads in outlying areas.

(3) The Topsia Road from Point "A" to river Kulti should be improved—particularly as we understand that Government of West Bengal have agreed to contribute $\frac{2}{3}$ rd of the costs.

(4) Two small roads required constant attention; the road joining Jessore Road with Bagjola Pumping Station and the other known as Dhappa Road. We mention them specifically as they run through marshy land and are connected with municipal service.

(5) All main roads should be asphalt-paved. For roads with heavy bullock-cart and lorry traffic stone-set paving should be used to a greater extent.

(6) Footpaths should be kept clear as far as possible and damage to roads by *khatals* should be prevented as far as possible. A short-term scheme for removing these *khatals* out of the city should be taken in hand.

CHAPTER XVII—MOTOR VEHICLES.

This department should be abolished. The existing vehicles should be distributed on zonal and service basis, i.e., among the districts—each District Engineer being responsible for the proper maintenance of the vehicles allotted to his district.

The central garage should remain as a workshop for major repairs to disabled vehicles and for the building up of bodies, out of parts dismantled from worn-out vehicles.

The *Gowkhana* in each district might serve as district garage.

Unqualified men in the Motor Vehicles Department ought to be removed.

CHAPTER XVIII—ENTALY WORKSHOPS.

Steps should be taken to remove the irregularities pointed out and to see that these do not occur.

CHAPTER XIX—BUSTEE.

(1) No quick solution of the problem can be suggested. It will require a long-term plan gradually but progressively carried out, but that plan should steer clear of projects costing astronomical figures. A less costly and better plan would be to acquire and allot lands out of Calcutta to the present *bustee*-dwellers to settle upon, construction of houses being rigidly controlled with due regard to sanitation and ventilation; and to arrange for quick transport to Calcutta at cheap fares. Reserved tanks and tub-wells for supply of water and surface drains such as we have in many country towns ought to suffice.

(2) In the meantime drainage and water-supply should be improved, buildings of new huts strictly restricted and daily scavenging should be introduced. If the lanes running through the *bustees* are too narrow for carts to get in, we should widen them or compel the dwellers to bring out and throw the refuse at points accessible to hand barrows.

CHAPTER XX—ESTABLISHMENT.

There should be a detailed investigation department by department to ascertain if there is any superfluity of staff.

CHAPTER XXII—CONSERVANCY.

(1) Power should be given to the Corporation to prohibit people from throwing rubbish or offensive matter on the streets.

(2) Mechanical contrivances for conservancy purposes ought to be introduced as far as possible.

(3) Musters of conservancy labour staff ought to be strictly enforced.

(4) It is necessary to construct transfer stations with covered sheds and with necessary washing arrangements at convenient places to avoid unsightly dust-bins.

(5) Service privies should be converted into connected privies where there is underground drainage.

(6) More space for dumping ground should be acquired.

(7) Other requirements of the department will appear in this chapter.

CHAPTER XXIII—ACCOUNTS.

(1) The Accounts Code was last revised in 1919. A revised edition should be issued without any further delay.

(2) The annual accounts which are still behind the Schedule by about a year should be brought up to date quickly. If necessary, extra staff may be entertained to pull up the arrears.

(3) Audit of consolidated rate should be conducted against each individual demand. Objection Books and Adjustment Registers should be introduced through which the objectionable items should be clearly watched until they are cleared. The cases of outstanding demands should be carefully scrutinised. Disciplinary action should be taken against the incumbents responsible for non-realisation of revenue for years.

(4) The test-check and review of individual demands on account of consolidated rate should be made in such a way that a major portion of the individual demands comes up for check once a year by rotation.

(5) The Register of Deposit should be reviewed by superior officers and the amounts kept under "Suspense" should be promptly cleared by necessary re-adjustment or recovery, as the case may be.

(6) Important and serious irregularities found in the course of review should be entered in a Review Register which should be submitted to the Chief Executive Officer by the Chief Accountant and disciplinary action taken against the delinquents.

(7) A Register should be maintained for recording the details of stock-taking of bills, in which the various stages beginning from the date of stock-taking to the final disposal of the report with the orders of the Chief Executive Officer should be noted.

(8) In the case of market receipts, audit should be conducted against the demand in respect of each shop and stall. Objection Books and Adjustment Registers should be introduced for record and clearance of the objectionable items.

(9) Huge amounts were advanced to heads of departments and contractors, but have not been adjusted for years.

(10) Huge amounts remain unrealised for years on account of miscellaneous bills. Each case should now be scrutinised and the system of keeping Objection Books and Adjustment Registers introduced.

(11) The Register of bills should be properly maintained and the prescribed columns filled up with a view to watching that there is no delay in the disposal of bills. Serious delay in passing bills was noticed in a large number of cases.

(12) In many cases, men were employed without obtaining the sanction of the competent authority.

(13) The work of stock-taking of tools and plants is very badly in arrears. Verification of stock was also not made regularly in previous years. Special arrangements should be made to have the entire stock verified as quickly as possible, as required in paragraph 987 of the Accounts Code.

(14) Comparison of monthly actuals with the estimates is not made regularly. This should be done regularly in future as otherwise it would result in delay in closing the annual accounts.

(15) A calendar of returns showing the due dates and actual dates of various items of work and of returns due to and from the sections should be maintained and should be closely watched by the officer-in-charge.

(16) A Head Assistant has to supervise the work of assistants varying from 8 to 31. A few posts of Senior Assistants immediately below the rank of Head Assistant and above that of the Assistants may be created for exercising direct supervision over the work of say, 10 to 12 clerks according to the importance of the sections.

(17) The post of the Deputy Chief Accountant was created in 1916-17. In view of the enormous increase of work since then it is recommended that the post of a Second Deputy Chief Accountant should be created.

(18) There was little check or control over the work of assistants, the Head Assistants and the officers-in-charge of the sections. Very close supervision over the working of the department is essentially necessary.

CHAPTER XXIV—FINANCE.

1. There should be a statutory Standing Finance Committee whose powers and duties should be laid down in the Act. Subject to the general control of the Corporation, it should be the final controlling authority with regard to all matters concerning income and expenditure as provided for in the Budget.

2. The Chief Executive Officer's estimate of income and expenditure should show a closing cash balance of Rs. 30 lakhs. For this purpose section 93 of the Calcutta Municipal Act should be amended.

3. No Standing Committee framed under section 71 of the Act will be entitled to incur any liability outside the budget without previous approval of the Standing Finance Committee.

4. No capital assets of the Corporation will be alienated or reduced in any way without the approval of the Standing Finance Committee.

5. Section 123B should be so amended as to empower Government Auditors to charge against any person the amount of any deficiency or loss incurred by the Corporation on account of negligence or misconduct of that person and any sum which ought to have been, but is not brought to account, by such person.

6. For the proper controlling of finance there should be a statutory post of a Chief Accountant and Financial Adviser whose duty will be—

(i) To regulate and control the finance of the Corporation;

(ii) To examine all proposals involving expenditure, capital or revenue, and record his opinion thereon. No liabilities should be incurred before the Finance Officer examines and reports on its effect on the finances of the Corporation;

(iii) To advise the Corporation about the admissibility, reasonableness and economic advantage of any proposal for expenditure and the availability of funds for it. He will obtain weekly statements of progress of collection of various demands and keep watch over the progress of income and expenditure under various heads;

(iv) He will explore all possible sources of increasing the revenue and advise Corporation accordingly including suggestions to prevent leakage;

(v) The Finance Officer should be assisted by two Deputies, one of whom will be in charge of Corporation accounts and the passing of bills, and the other in charge of internal audit, stock-taking of stores and matters relating to assessment and collection of various demands so far as they relate to duties entrusted to the Finance Officer.

7. Creation of the post of a Chief Revenue Officer who shall be in charge of all departments concerned with assessment and collection, e.g.,—

(a) Assessment,

(b) Collection,

(c) License,

(d) Markets,

(e) Sale of water, and

(f) Law Department so far as it relates to collection of dues.

8. Legislative changes as enumerated in paragraph 115 of the report on "Finance"

C. C. BISWAS.

P. C. CHOUDHURY.

H. P. BHOWMIK.